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The Question of Black Crime

John J. DiIulio, Jr.

Commentaries by:
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A De-moralized Society

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BOOKS IN REVIEW:
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The question of black crime

JOHN J. DIIULIO, JR.

IF WHITE suburbanites were victimized in disproportionate numbers by convicted criminals out on probation or parole, then there would be little policy debate about keeping violent and repeat criminals locked up. Witness the tragic murder of Polly Klaas, a suburban white child, at the hands of a released career criminal, which triggered a political rush toward tougher criminal sanctions. But in the 1980s, all the murders of inner-city black children at the hands of plea-bargain-gorged violent predators and drug dealers elicited no such political response.

America does not have a crime problem; inner-city America does. The poverty gap between blacks and whites in this country may be shrinking, but the crime gap between them has been growing. No group of Americans suffers more when violent and repeat criminals are permitted to prey upon decent, struggling, law-abiding inner-city citizens and their children than what Hugh Pearson, writing in the *New York Times*, called "black America's silent majority." As Harvard Law Professor Randall Kennedy

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keenly observed recently in the *Wall Street Journal*:

> what is really at stake in many controversies with racial overtones is not simply an interracial dispute but an actual or incipient intraracial conflict. Although blacks subject to draconian punishment for crack possession are burdened by it, their black law-abiding neighbors are presumably helped by it.... Although black youngsters who wish to stay out late are burdened by a curfew, blacks who feel more secure because of the curfew are benefited. Although black members of violent gangs are burdened by police crackdowns, blacks terrorized by these gangs are aided.... too little attention has been given to the complexity of black communities and to the varied, and often conflicting, ways in which government policies will affect different sectors of such communities....

Likewise, in his November 1993 speech to black pastors, President Clinton imagined that, if Dr. Martin Luther King, Jr., could return to the pulpit today, he might say:

> I fought to stop white people from being so filled with hate that they would wreak violence on black people. I did not fight for the right of black people to murder other black people with reckless abandon.

Four measures can go a long way toward closing the country's morally repugnant and socially devastating black crime gap: (1) take basic remedial measures to secure inner-city neighborhoods; (2) put more police on inner-city streets; (3) lock up violent and repeat inner-city criminals; and (4) remove severely neglected and abused children from inner-city homes.

Measuring the gap

Studies by the U.S. Bureau of Justice Statistics (BJS) show that by 1992, blacks and whites had virtually identical personal theft (purse snatching, pocket picking, larceny without contact) victimization rates. The household crimes (burglary, larceny, motor vehicle theft) rate for blacks remained about 33 percent higher than the rate for whites. Still, from 1973 to 1992, victimization rates for both blacks and whites declined rather steadily for personal theft and household crimes.

But in 1992, the violent crime victimization rate for blacks was the highest ever recorded. For teenage black males (age 12-19), the violent crime victimization rate was 113 per 1,000. This

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compared to 94 for teenage black females, 90 for teenage white males, and 55 for teenage white females. The rate was 80 for young adult black males (age 20-34) compared to 52 for young adult white males. And the rate was 35 for adult black males (age 35-64) versus 18 for adult white males. At the interracial extremes, the chances that a black male teenager would be victimized by violent crime were 6.2 times that of a white adult male, 7.5 times that of a white adult female, 18.8 times that of an elderly white male (age 65 and over), and 37.6 times that of an elderly white female.

It has long been true, as pointed out in 1969 by the National Commission on the Causes and Prevention of Violence, that crime in America is "chiefly a problem of the cities of the nation, and there violent crimes are committed mainly" by and against "the young, poor, male inhabitants of the ghetto slum." But never before has violent crime been so concentrated among teenage and young adult male inner-city blacks.

For example, FBI data show that Philadelphia's total crime rate in 1990 was about twice that of the four surrounding suburban Pennsylvania counties, and its violent crime rate was over three times that of those counties. Forty-two percent of Pennsylvania's violent crimes occurred in Philadelphia, which contained only 14 percent of the population, and most of Philadelphia's violent crime was concentrated among young males in several predominantly black neighborhoods of North and West Philadelphia.

Likewise, Milwaukee experienced some sharp declines in reported crimes in the late 1980s. For example, reported assaults dropped city-wide by 23 percent from 1986 to 1990. But the incidence of violent crime in Milwaukee's inner cities remained very high. For example, in 1991 violent crime rates in the city's low-income, predominantly black districts were dozens of times higher than in its middle- and upper-income, predominantly white districts. At the extremes, citizens who resided in the former districts had over 30 times as much chance of being murdered, assaulted, or robbed as citizens who resided in the latter districts.

National data tell much the same tale. Between 1987 and 1989, the average annual rate of violent victimization among city residents was 92 percent higher than among rural residents and

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56 percent higher than among suburban residents. Most black Americans reside in metropolitan central cities. In 1992, 54 percent of black males versus 26 percent of white males age 12 and over lived in metropolitan central cities. In 1992, the rate at which black males in metropolitan central cities experienced violent crimes was 2.5 times the rate at which nonmetropolitan white males experienced them. Even within metropolitan central city populations, the rate at which black males experienced violent crimes was 53 percent higher than the rate for white males (up from 31 percent higher in 1989).

In 1988, in the nation's 75 most populous urban counties, blacks were 20 percent of the general population but 54 percent of all murder victims and 62 percent of all defendants; most murder victims were male, black, and between the ages of 15 and 45. In Washington, D.C., America's "murder capital," from 1985 to 1988 about three-quarters of all homicides were committed by young black males against other young black males residing in Southeast and other depressed, predominantly black sections of the city.

In 1991, black youth were arrested for weapons law violations at a rate three times that of white youth, and the violent crime arrest rate for black youth was five times higher than that of white youth (1,456 versus 283 per 100,000). Between 1976 and 1991, the homicide victimization rate among white youth was stable at around 2 to 3 per 100,000. Between 1976 and 1986, the murder rate for black youth fluctuated between around 7 and 10, then rose steadily to about 14 in 1988, 18 in 1990, and 20 in 1991.

These facts and figures justify inner-city black Americans' fears. Between 1985 and 1991, Americans who saw crime as a major problem in their neighborhoods rose from about 5 percent to 7 percent, and crime was not the number one neighborhood problem identified by citizens nationwide. But over the same period the fraction of black Americans living in central cities who identified crime as a major problem in their neighborhoods rose from about 10 percent to nearly 25 percent, and crime was identified as the number one neighborhood problem by black central-city citizens. Over one-fifth of black children in these neighborhoods fear being attacked going to and from school. Nationally, 54 percent of black children worry a lot or some of

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the time about becoming a crime victim, and 27 percent of black children versus 5 percent of white children think it is likely that they will be shot.

Likewise, a survey released in May 1994 by the Children's Defense Fund and the Black Community Crusade for Children showed that 46 percent of black adults say their greatest fear is violence against their children and children they know. Such fears are especially ripe among the residents of cities that have experienced a surge of black youth crimes including homicides. For example, a poll conducted in May 1994 for the Mayor of New Orleans found that 86 percent of those surveyed listed crime as the city's biggest problem.

Color-blind justice

Crime in America is predominantly *intra*racial, not interracial. About 84 percent of single-offender violent crimes committed by blacks are committed against blacks, and 73 percent of violent crimes committed by whites are committed against whites. Likewise, nearly 90 percent of multiple-offender violent crimes committed by blacks are committed against blacks, while about half of multiple-offender crimes committed against whites are committed by whites.

As a National Academy of Sciences study concluded, "few criminologists would argue that the current gap between black and white levels of imprisonment is mainly due to discrimination in sentencing or in any of the other decision-making processes in the criminal justice system." Once one controls for such characteristics as the offender's criminal history or whether an eyewitness to the crime was present, racial disparities melt away. To cite a typical example, a 1991 RAND Corporation study of adult robbery and burglary defendants in 14 large urban jurisdictions across the country found that a defendant's race or ethnic group bore almost no relation to conviction rates, disposition times, or other key outcome measures.

In 1980, 46.6 percent of state prisoners and 34.4 percent of federal prisoners were black. As the prison population increased during the 1980s, the percentage of it that consisted of blacks changed little. By 1990, 48.9 percent of state prisoners and 31.4 percent of federal prisoners were black. Compared to white prisoners of the same age, black prisoners are more likely to have

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committed crimes of violence. In 1988, the median time served in confinement by black violent offenders was 25 months versus 24 months for white violent offenders. For crimes of violence, the mean sentence length for whites was 110 months versus 116 months for blacks, while the mean time served in confinement differed by only 4 months (33 months for whites versus 37 months for blacks).

At the federal level, a 1993 study showed that the imposition between 1986 and 1990 of stiffer penalties for drug offenders, especially crack cocaine traffickers, did not result in racially disparate sentences. The amount of the drug sold, the seriousness of the offenders' prior criminal records, whether or not weapons were involved, and other characteristics of offenses and offenders that federal law and sentencing guidelines establish as valid considerations in sentencing decisions accounted for all of the observed variations in imprisonment sentences.

In short, the best available research indicates that race is not a significant variable in determining whether a convicted adult offender is sentenced to probation or prison, the length of the term imposed, or how prisoners are disciplined.

Of course, American justice is not purely color-blind. For example, there is some evidence that minority juvenile offenders in certain jurisdictions are more likely to be placed in secure institutions (as opposed to community-based programs) than comparable white minority juvenile offenders.

But it is easy to exaggerate the extent of racial disparities in the juvenile justice system. For example, there are hundreds of post-1969 studies of minorities in the justice system, barely two dozen of which find any overall pattern of racial discrimination. Yet a 1993 "research summary" published by the U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) asserted that there was "substantial" evidence of racial discrimination against minority juveniles in the justice system. The OJJDP study was drafted in October 1989, outside reviewers' comments were available in February 1991, and the report itself was released in December 1993. But the report's postscript states that because of "time pressures" and "numerous requests" for the report, OJJDP decided to publish it essentially as drafted.

Even if one takes it as an article of faith that America remains a highly racist society, and, in turn, that the juvenile

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justice system remains a racially motivated and biased system, it would strain credulity to maintain that profound and systemic racial biases in the policing, adjudication, and correctional treatment of juveniles somehow vanish once offenders reach the ostensibly no less racist adult system in the same purportedly racist country.

Moreover, to focus on small and unrepresentative differences in how certain types of black and white juveniles are handled in certain jurisdictions is to obscure the fact that both white and black predatory juveniles are getting a free ride from the system in most places. In the late 1970s and early 1980s, the deinstitutionalization of juvenile offenders begat horror stories about convicted juvenile murderers, rapists, and robbers, who spent little or no time behind bars. Champions of keeping dangerous juvenile criminals on the streets continued to make the same old case, but the data simply did not support it. Many states toughened the laws governing juvenile offenders, and some states that had handled juvenile predators via low- or no-penalty family courts placed them under the jurisdiction of criminal courts with stronger sentencing authority. For example, in the late 1970s, the national publicity surrounding the case of a hardened 15-year-old criminal who murdered two men on a subway and received the maximum family-court sentence of five years led New York State to change its juvenile penal code so that such offenders could in the future be handled by the State Supreme Court and be subjected to a maximum penalty of nine years to life.

But in New York State and elsewhere, these laws simply have not been duly enforced, with the result that in many states chronic juvenile criminals of every race, creed, and color continue to commit violent crimes with virtual impunity. That is why 93 percent of judges in the juvenile justice system say juveniles should be fingerprinted, 85 percent believe juvenile criminal records should be made available to adult authorities, and 40 percent think the minimum age for facing murder charges should be 14 or 15.

The other possible exception to the rule of color-blind justice, and the source of endless political mischief by opponents of capital punishment, is the slim evidence that blacks who kill whites are more likely to get the maximum sentence (including death) than blacks who kill blacks. But most of the evidence of

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racial disparities in capital sentencing comes from studies of pre-1972 rural courts in southern states. The post-1972 evidence, even for the south, consists largely of thin statistics that do not, in any case, reflect black-white differences in homicide rates or other relevant variables. For example, the House Judiciary Committee's report on the so-called Racial Justice Act of 1994 asserted that "in Georgia's Middle Judicial Circuit, where the population is 40 percent black, 77 percent of the death penalties imposed have been against blacks—7 out of 9."

Such bald assertions prove nothing save the extent of statistical illiteracy on Capitol Hill. The fact is that virtually all murders committed by blacks are committed against blacks, and overwhelming majorities of Americans, black and white, favor the death penalty. Even if the evidence showed clearly that black murderers were discriminated against, the greater part of justice would be to execute all those sentenced to death, black and white, not to immunize all convicted black capital criminals.

Beyond the statistical arguments for color-blind justice are even more compelling moral and jurisprudential ones. The Anglo-American criminal law tradition is predicated on individual rights and responsibilities. In our system of justice, a defendant is obliged to muster evidence of discrimination within the four corners of a particular case, not automatically escape a date with the executioner or get out of jail free because a judge is able to squint at aggregate data, swallow spurious correlations, and surmise that a "pattern" of discrimination exists.

Some judges are now openly at war with the Anglo-American criminal law tradition. For example, in 1993, a federal district judge gave a black defendant in a drug case one-fourth the minimum sentence called for by federal sentencing guidelines, holding that the defendant was victimized by institutional racism within the justice system. The judge cited no specific display of racial discrimination in the case. Instead, he asserted that racial discrimination in the justice system is "highly sophisticated and covert," and further asserted that a white defendant in the same case would have received a more favorable plea bargain from prosecutors than the black defendant in this case did.

Safe and secure neighborhoods

Those who insist on perpetuating what William Willbanks has aptly described as "the myth of a racist justice system" must not

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be allowed to prevail. The black crime gap is real, not rhetorical or racist, and black Americans' rising fear of crime at a time of declining crime rates must be addressed.

The black crime gap results largely from differences between the private spending decisions and danger-avoidance capacities of inner-city black Americans versus more affluent Americans, and from the degree to which each group is directly affected by the consistency with which the criminal justice system—courts, cops, and corrections—detects, detains, prosecutes, and punishes violent and repeat street criminals.

Over the last two decades, most Americans who could afford it have done things to make the environments in which they and members of their families live, work, go to school, and recreate relatively impervious to crime. They have moved away from places where street crime and disorder are rife. They have installed burglar alarms and bought anti-auto theft devices. They have formed neighborhood watch groups in racially homogeneous, low-density neighborhoods where strangers are easy to spot. They have avoided shopping in or even driving through bad neighborhoods.

Likewise, businesses that could manage to do so have relocated from the central cities to the metropolitan periphery, refrained from investing or reinvesting in the places they left behind, and equipped their buildings or corporate campuses with security systems. Retail stores in suburban malls, corporate headquarters in redeveloped downtown areas, upscale apartment complexes, urban special services districts, private urban universities, and gated, private suburban communities, have responded by hiring small armies of private security guards.

However, for at least three basic reasons, inner-city Americans have not been able to secure their environments in this way. First, they are too poor to move. They must walk the streets that the rest of us can avoid or never see; they must cope with the dangers that the rest of us can minimize or avoid entirely. In its recent report on "adolescents in high-risk settings," the National Research Council noted correctly that merely living in high-crime areas may increase the risk of victimization. For crime-plagued inner-city public housing tenants, the only real choice is between being homeless and coping with crime.

Second, most inner-city Americans are simply too poor to invest in home security systems and the like. To my knowledge,

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none of the private foundations that have spent millions and millions of dollars to analyze and alleviate inner-city problems has ever spent a penny on such mundane things as deadbolt locks for public housing residents who have none, or private security for public housing complexes.*

Third, efforts to secure inner-city neighborhoods by erecting gates at public streets, automatically evicting drug dealers from public housing, and installing metal detectors in public schools often meet with stiff legal challenges or require political or financial resources that the community either does not possess or cannot easily sustain.

The incredibly thin blue line

Unlike the rest of us, therefore, inner-city blacks must rely almost exclusively on the justice system for protection against criminals. At every level, this system has failed them.

For starters, inner-city residents complain that there is hardly ever a police officer around when you need one. Through 1983, the American Housing Survey (AHS) asked respondents in 60,000 households whether their neighborhood had adequate police protection. Black central-city residents were almost twice as likely as whites to say that it did not, and six times as likely to report that they had considered moving because of a lack of police presence in their neighborhood. (Unfortunately, the AHS stopped asking this question after 1983.)

Most big-city police departments are stretched too thin, and police are not allocated among neighborhoods strictly or even mainly according to the levels of crime and disorder which their residents actually face. The solutions are to: (1) redirect existing police personnel to high-crime neighborhoods, add new police manpower, and focus it on the same neighborhoods; (2) empower police to work with law-abiding residents and community leaders to aggressively check disorders that are associated with crime and citizens' fear of crime (graffiti, aggressive panhandling, vagrancy, public drunkenness, open drug use); and (3) arrest the bad guys and charge them for any crimes to the full extent of the law.

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*Not that such suggestions haven't been made. See John J. DiIulio, Jr., "The Impact of Inner City Crime," *The Public Interest*, Number 96, Summer 1989.

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In the 1980s, as the inner-city drug-and-crime epidemic expanded, many big-city police forces contracted. Between 1977 and 1987, the number of officers per capita in 59 big-city police departments decreased, and the total number of officers dropped in 15 of the 50 largest cities. Even if more cops were on the beat during the 1980s, it is not certain that they would have made a major and positive difference. Indeed, early in the decade, James Q. Wilson and George Kelling concluded in their now-famous "broken windows" essay, from the *Atlantic Monthly*, that some inner-city neighborhoods had become "so demoralized and crime-ridden as to make foot patrol useless."

The fact, however, is that while just about every other kind of experiment with big-city policing has been made, no experiments have been made to test the effects of increasing greatly the number of officers on regular foot patrol in crime-ridden inner-city neighborhoods. It has been shown that police crackdowns—brief, intensive deployments in targeted areas resulting in far higher than average arrests—rarely succeed in reducing crime, in part because criminals quickly move to other, often nearby, locations. But we simply do not know what would happen if there were, in effect, no place left for the criminals to go save into the back of a police wagon.

More precisely, we do not know what, if any, effects routinized *saturation community policing*—quadrupling or quintupling from present levels the number of officers on regular duty (foot patrol and auto patrol) in and around drug-infested, crime-torn urban neighborhoods—would have either on crime rates or on citizens' fear of crime. Many criminologists doubt it would have positive and lasting effects. However, even in the heyday of studies that raised doubts about the relationship between the numbers of police and crime rates, no one was heard demanding reductions in police protection for the places where they lived and worked. And at least one recent and econometrically sophisticated study of the relationship between numbers of police and rates of crime found evidence that more police spelled fewer crimes.

Putting more police on inner-city streets is bound to be expensive because only a tiny fraction of all cops are ever actually on patrol. There are two ways to measure the number of big-city police officers per capita. First, we can simply measure the total number of officers on the payroll relative to the total population

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of the city. For example, in 1991, New York City had a population of about 7.2 million and a police force of about 28,000. Between 1987 and 1991, the number of officers per 1,000 residents in New York City fell from 3.78 to 3.65.

Second, we can measure the average *actual street enforcement strength* per capita at any given time. David Bayley, writing in the *New York Times*, found that in New York City, the actual street enforcement strength was only 6.5 percent, meaning that in 1991 there were only about 1,750 cops on the city's streets—.237 officers per 1,000 residents—at any given time. There are many cities where the actual street enforcement strength is even lower than in New York City. For example, in 1991, San Francisco, a city of nearly 750,000, had a total police force of about 1,800, but only an estimated 120 officers actually on the streets at any given time, or .162 officers per 1,000 residents.

Even if the actual average street enforcement strength equalled 20 percent—and there is no big city where it comes close—the numbers would not be comforting. For example, 20 percent enforcement strength would put about 5,300 officers on the streets of New York City, or .730 officers per 1,000 residents. Likewise, it would put about 370 officers on the streets of San Francisco, or .497 officers per 1,000 residents.

The additional rub is that big-city police departments simply do not allocate the relatively tiny number of officers actually on the streets at any given time in accordance with the actual crime risks faced by citizens in various neighborhoods. For example, on any given night in Washington, D.C., which has more officers per capita than any other big city, there are too few officers to answer calls or conduct thorough, on-the-spot investigations in homicide-plagued minority neighborhoods, but plenty of cops to watch over public buildings, upscale restaurants, and college hangouts in the more affluent or tourist-rich sections of town.

Wesley G. Skogan, author of *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods* (University of California Press, 1990), has found that there is a high degree of consensus across demographic categories as to what citizens mean when they say they want to live in a safe, orderly neighborhood. The short list includes: streets free of drug dealers; no rowdy teenagers; no threatening derelicts; no soliciting prostitutes; no predatory criminals; buildings without graffiti; and no drive-by shootings. Likewise, there is a high degree of consensus

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that it would be good for police officers to interact more closely with community residents and leaders, solving problems rather than merely reacting to them, and inspiring public trust and confidence rather than stirring worries about intimidation and brutality.

For saturation community policing in the inner cities to work, the increased manpower and enforcement emphasis would need to go hand-in-hand with administrative changes that give beat police the time and the professional incentives to engage the entire range of neighborhood problems, from working with school principals in dealing with truant teenagers to dispersing loitering teenagers in front of liquor stores, from walking kids to and from school to putting a ceiling on open-air drug markets within a glance of the school gates. Otherwise, the effects of putting more cops on inner-city streets could well be more perverse than positive—arresting and throwing the book at everyone, but helping and solving the problems of no one, and clogging the courts without cleaning up the streets.

Locking the revolving door

Putting more cops on the streets is one thing; keeping violent and repeat criminals behind bars is quite another. Inner-city blacks and their children face a disproportionate risk of criminal victimization in part because they live in places where the concentration of convicted violent and repeat criminals, adult and juvenile, who live in the community and are released back to the community is dozens of times higher than in most of the rest of America. Thus, no group of Americans would stand to benefit more from policies that kept convicted felons, adult and juvenile, behind bars for all or most of their terms than crime-plagued black inner-city Americans and their children.

As it presently operates, the justice system is a revolving door for convicted predatory street criminals, the vast majority of whom enter the system by plea bargaining away some of their crimes, exit it before serving even half of their time in confinement, and make a cruel joke out of the terms of their "community-based supervision." By locking the revolving door—curtailing pretrial releases, reducing plea bargaining, and putting dangerous offenders away for long, fixed terms or life—we can begin to protect the truly disadvantaged from their criminally deviant neighbors.

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In the 75 most populous counties, 65 percent of felony defendants are released prior to trial, including 63 percent of violent defendants, 37 percent of murder defendants and 54 percent of rape defendants. Nearly a quarter of all pretrial felony defendants fail to appear in court. About 11 percent of murder arrestees, and 12 percent of all violent crime arrestees, are on pretrial release (for an earlier case) at the time of the offense. Over 20 percent had 10 or more prior arrests, and over 35 percent had one or more prior convictions.

"Case management," the bureaucratic euphemism for plea bargaining, means that over 90 percent of all criminal cases do not go to trial because the offender pleads guilty to a lesser charge. In high-crime jurisdictions where a premium is placed on "processing cases" as quickly as possible, even violent crimes are routinely plea bargained so that well under half ever go to trial—44 percent of murder cases, 23 percent of rape cases, 15 percent of aggravated assault cases, 13 percent of robbery cases, and 7 percent of burglary cases.

Relative to the number of serious crimes being committed, America has not been on an imprisonment binge. Rather, it has been gradually recovering from the starvation diet it went on in the late 1960s and stayed on throughout the 1970s. For example, according to a recent analysis by Michael Block and Steve Twist, between 1960 and 1980, the imprisonment rate relative to the number of violent crimes committed fell by 69 percent. In 1960, 738 people were in prison for every 1,000 violent crimes. By 1980, the number had dropped to 227. As the prison population increased in the 1980s, the number climbed to 423, higher than it was at any point in the 1970s but still 42 percent lower than it was in 1960.

In 1989, over 4 million persons were under some form of correctional supervision, either in prison (17 percent), in jail (10 percent), on probation (62 percent), or on parole (11 percent). Thus, about three-quarters of all convicted criminals were *not* incarcerated. Instead, they were the responsibility of probation or parole agents who had average caseloads in the hundreds and hence no way of providing effective custodial supervision, let alone helping their charges seek drug treatment, find jobs, or enhance their noncriminal life prospects in other ways.

Nationally, within three years of sentencing, while still on probation, nearly half of all probationers are placed behind bars

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for a new crime or abscond. Among probationers with new felony arrests, 54 percent had one new arrest, 24 percent had two, and the remaining 22 percent had three or more. About one-fifth of them were rearrested for a violent crime. About 96 percent of probationers arrested for murder were not on probation for murder. Likewise, within three years of their conditional release from prison, while still on parole, nearly half of all parolees are convicted of a new crime. Nearly one in three released violent offenders and one in five released property offenders are rearrested within three years for a violent crime.

The state-level data tell the same tale in more graphic detail. For example, between 1987 and 1991, about 87 percent of the 147,000 felons released from Florida prisons were released early. Fully one-third of these parolees committed a new crime. At points in time when they would have been incarcerated had they not been released early, these parolees committed nearly 26,000 new crimes, including some 4,656 new crimes of violence—346 murders, 185 sexual assaults, 2,369 robberies, and 1,754 other violent offenses.

Unfortunately, no data are kept on precisely how many probationers and parolees from which neighborhoods are convicted of new crimes each year. But we can get a sense of the magnitude of the problem by looking at the fractions of arrestees on probation or parole at the time of the offense. According to the BJS National Pretrial Reporting Program, which is based on data gathered from the nation's 75 most populous counties and encompasses most big cities, in 1990, 14 percent of murder arrestees were on probation and 7 percent were on parole. Among all violent crime arrestees, 16 percent were on probation and 7 percent were on parole.

Halfway house

One common response to such data is to call for improvements in how probationers and parolees are managed. Today the most popular variant of this response is known as "intermediate sanctions."*

Unlike routine probation and parole, a felon placed in an

*I confess to having made this response myself. See John J. DiIulio, Jr., "Punishing Smarter," *Brookings Review*, Summer 1989, and *No Escape: The Future of American Corrections*, Basic Books, 1991.

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intermediate sanction is supposed to be closely supervised by such methods as electronically-monitored house arrest, weekly contacts with the agent, drug testing, work requirements, community service, monetary fines, and a swift and certain bout of incarceration for acts of noncompliance or new crimes. Those who in the 1960s made the initial push for the widespread use of "alternatives to incarceration" stressed that caseloads must be kept within manageable limits. A 1967 presidential commission on crime recommended "an average ratio of 35 offenders per officer." Those who in recent years have attempted to salvage the wreck of probation and parole have claimed that, by returning to intensive supervision, convicted criminals can be handled on the streets in ways that protect the public and its purse better than either routine probation and parole or incarceration.

In practice, however, intermediate sanctions have done nothing to remedy the problems of probationer and parolee noncompliance and recidivism. For example, in a recent *Science* article, Patrick Langan of BJS reported that over 90 percent of all probationers were already part of the very graduated punishment system called for by advocates of intermediate sanctions—substance abuse counseling, house arrest, community service, victim restitution programs, and so on. But about half of all probationers still did not comply with the terms of their probation, and only one-fifth of the violators ever went to jail for their noncompliance. As the study concluded, "intermediate sanctions are not rigorously enforced."

Even the most intensive forms of intermediate sanctions have not proven effective. For example, the most comprehensive experimental study of intensive supervision programs for high-risk probationers concluded that these programs "are not effective for high-risk offenders" and are "more expensive than routine probation and apparently provide no greater guarantees for public safety." Similarly, the best experimental study of intensive supervision programs for high-risk parolees found that the "results were the opposite of what was intended," as the programs were not associated with fewer crimes or lower costs than routine parole.

Despite such findings, most criminologists and many others continue to insist that "prison is not the answer" and that "we cannot build our way out of the problem." But if prison is not

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the answer, then what, precisely, is the question? If the question is how to solve all of America's worst social and urban problems, then prison alone most certainly is not "the answer." But if the question is how best to protect inner-city citizens from known, convicted, violent and repeat criminals, then prison is far more of an answer than most experts would allow.

Prisoner profile

The notion that a majority of prisoners are petty, first-time offenders with few previous arrests, no previous convictions, and no history of violence has been promulgated in many places, but it is completely false. (Unfortunately, studies that pick this myth apart are few. For one excellent example, see Charles H. Logan, "Who Really Goes to Prison?" *Federal Prisons Journal*, Summer 1991.) Nationally, over 90 percent of all prisoners are held by the states. In 1991, fully 94 percent of state prison inmates had been convicted of a violent crime or had a previous sentence to probation or incarceration. In other words, only 6 percent of prisoners were nonviolent offenders with no prior sentence to probation or incarceration. Nearly half were serving time for a violent crime, and a third had been convicted in the past of one or more violent crimes. Two-thirds of violent inmates had killed, raped, or injured their victims. One-fifth of violent prisoners had victimized a minor. Only 1 percent of all prisoners had been sentenced to probation or incarceration in the past for only minor offenses (drunkenness, vagrancy, disorderly conduct).

The individual state-level data speak in the same voice. For example, in 1992, in New Jersey, about 46 percent of prisoners were serving sentences for violent crimes, 80 percent had criminal histories involving violence, and prisoners averaged nine prior arrests and six prior convictions. Relative to New Jersey and most other states, the federal prison system holds more property and drug offenders and fewer violent offenders. But of the 35,000 persons newly committed to federal prison in 1991, only 2 percent, or about 700, were convicted of mere drug possession. And even in the ostensibly white-collar federal prison system, in 1989, over 55 percent of all federal prisoners had two or more prior felony convictions, and 46 percent of all federal prisoners and 92 percent of all prisoners in federal penitentiaries had a history of violence.

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These data show clearly that most prisoners are indeed violent or repeat criminals. But for three reasons even these data understate the actual number and severity of crimes committed by prisoners.

First, the data do not reflect the amount and severity of crimes committed by prisoners before they were of age to be legally tried, convicted, and sentenced as adults. Nationally, juveniles (persons age 18 and younger) account for about one-fifth of all weapons arrests, and in 1991 committed a record 2,476 murders. Nearly 60 percent of juveniles in long-term facilities have a history of violent offenses. A number of longitudinal studies show that among juveniles who become involved with crime, 23 to 34 percent are high-rate offenders who commit a mix of violent and property offenses and are responsible for 61 to 68 percent of all crimes committed by all juveniles. Today's high-rate juvenile criminals are tomorrow's adult prisoners; but today's adult criminal records do not comprehend yesteryear's slew of juvenile crimes.

Second, the data do not account for the deflationary effects of plea bargaining on prisoners' criminal records. To my knowledge, there are no systematic empirical studies that estimate how much actual crime is masked by plea bargaining.

Third, the data do not account for the wholly undetected, unprosecuted, and unpunished crimes committed by prisoners when free. Two recent prisoner self-report surveys suggest that, as bad and long as the official adult records of most prisoners are, their true adult records are longer and much worse. A prisoner self-report survey conducted in Wisconsin in 1990 and representing a random sample of 6 percent of the state's prisoner population found that, in the year prior to imprisonment, prisoners committed a median of 12 property or violent crimes, and a mean of 141 such crimes, *excluding all drug crimes*. A prisoner self-report survey conducted in New Jersey in 1993 and representing a random sample of 4 percent of the state's prisoner population found that, in the year prior to imprisonment, prisoners committed a median of 12 property or violent crimes, and a mean of 220 such crimes, *excluding all drug crimes*.

These findings suggest at least two things. First, most prisoners have committed more crimes than those for which they have been arrested, booked, convicted, and incarcerated. Second, the

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spread between the median and the mean indicates that some fraction of prisoners have committed many times more crimes than those for which they have been arrested, booked, convicted, and incarcerated. In sum, the official data make plain that virtually all prisoners are violent or repeat criminals. The survey data also remind us that the number of career predators behind bars is even larger than the official data document.

How long do most of these violent and repeat criminals serve in confinement before being released? In 1991, 34 states released nearly 326,000 prisoners. Almost 90 percent of them were released conditionally (i.e., to parole). About half of all parolees had served 14 months or less in prison before their release. On average, they served 35 percent of their maximum sentence in prison before release. This average held for most categories of criminal conviction. Thus, the median time served for murder was 6.5 years on a 20 year sentence, and the median time served for assault was 15 months on a four-plus year sentence.

Prisons pay

The social costs and benefits of imprisonment versus other means of handling violent and repeat criminals are extremely difficult to estimate. However, any sensible estimate of the value of prisons must include the costs to society inflicted by probationers and parolees during periods when they could have remained incarcerated.

Whether or not imprisoning Peter keeps Paul honest, imprisoning Peter for all or most of his term saves society from the human and financial toll he would have inflicted if free. It costs society as much as $25,000 to keep the average convicted violent or repeat criminal locked up for a year. Every social expenditure imposes opportunity costs (a tax dollar spent on a prison is a tax dollar not spent on a pre-school, and vice versa). But, what does it cost crime victims, their families, friends, employers, and the rest of society to let a convicted criminal roam the streets in search of victims?

A recent BJS study of the costs of crimes to victims found that in 1992, a total of 33.6 million criminal victimizations occurred. An economic loss of some kind occurred in 71 percent of all personal crimes (rape, robbery, assault, personal theft) and 23 percent of all violent crimes (rape, robbery, assault). The

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study estimated that in 1992 crime victims lost $17.2 billion in direct costs (losses from property theft or damage, cash losses, medical expenses, lost pay from lost work). This estimate, however, did *not* include direct costs to victims that occurred six months or more after the crime (e.g., medical costs). Nor did it include decreased work productivity, less tangible costs of pain and suffering, increases to insurance premiums as a result of filing claims, moving costs incurred when moving as a result of victimization, and other indirect costs.

A 1993 study in *Health Affairs* took a somewhat more comprehensive view of the direct costs of crime and included some indirect costs of crime as well. The study estimated the costs and monetary value of lost quality of life in 1987 due to death and nonfatal physical and psychological injury resulting from violent crime. Using various measures, the study estimated that each murder costs $2.4 million, each rape $60,000, each arson $50,000, each assault $25,000, and each robbery $19,000. It estimated that lifetime costs for all violent crimes totaled $178 billion from 1987 to 1990.

Even these numbers, however, omit the sort of detailed cost accounting that is reflected in site-specific, crime-specific studies. For example, a survey of admissions to Wisconsin hospitals over a 41-month period found that 1,035 patients were admitted for gunshot wounds caused by assaults. Gunshot wound victims admitted during this period accumulated over $16 million in hospital bills, about $6.8 million of it paid by taxes. Long-term costs rise far higher. For example, just one shotgun assault victim in this survey was likely to cost more than $5 million in lost income and medical expenses over the next 35 years.

How much of the human and financial toll of crime could be avoided by incarcerating violent and repeat criminals for all or most of their terms? All studies which have attempted to analyze the social costs and benefits of imprisonment have employed much cruder and far lower estimates of the social costs of crime than were employed in the studies summarized in the preceding paragraphs. Even so, all have found that, at the margin, the social benefits of imprisonment exceed the social costs. One such study, commissioned by the National Institute of Justice, found that the "lowest estimate of the benefit of operating an additional prison cell for a year ($172,000) is over twice as high

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as the most extreme estimate of the cost of operating such a cell ($70,000)." Another such study, one based on data from the aforementioned Wisconsin prisoner self-report survey and published in the *Brookings Review*, found that imprisoning 100 typical felons "costs $2.5 million, but leaving these criminals on the streets costs $4.6 million." A third such study, based on data from the aforementioned New Jersey prisoner self-report survey, found that it costs society almost twice as much to let the typical prisoner out as it does to keep him in.

Although it is commonly claimed and accepted that it costs on average $25,000 per year to keep a prisoner incarcerated, there have been no definitive analyses of prison operating costs. Even at this stage, however, one thing seems clear: a large fraction of prison operating costs are the result not of increases in the prison population but of court-imposed changes in prison administration. For example, in the wake of a massive court order, prison operating costs in Texas have increased from $91 million in 1980 to $1.84 billion in 1994. In real terms this represents more than a tenfold increase in prison operating expenditures during a period when the state's prison population barely doubled.

Total government spending on all criminal justice activities is less than 3.5 percent of every government dollar. Spending on prisons and jails is less than one-half cent of every government dollar. As better estimates of the total social costs of crime become available, there can be little doubt that empirical studies will continue to find that it clearly pays to keep the vast majority of convicted violent and repeat criminals behind bars for longer periods than we currently do.

Black lives saved

We do not know precisely how many black lives have been ruined by lax sentencing policies, or, conversely, how many could have been saved by more sensible ones. Still, the available data leave no doubt that the human and financial benefits of ending revolving door justice would be great for all Americans, most especially poor black Americans.

In the 1980s, rates of imprisonment rose and crime rates fell. As Block and Twist have found, from 1980 to 1992, the 10 states that had the highest increase in their prison populations, relative

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to total FBI index crime, experienced, on average, a decline in their crime rates of more than 20 percent, while the 10 states with the smallest increases in incarceration rates averaged nearly a 9 percent increase in crime rates. A 1986 study by the National Academy of Sciences estimated that doubling the prison population between 1973 and 1982 probably reduced the number of burglaries and robberies in the country by 10 to 20 percent. A 1994 review of the statistical literature on the relationship between imprisonment rates and crime rates concluded that a 10 percent increase in the likelihood of being imprisoned after conviction for a violent crime would reduce violent crime by about 7 percent.

Still, as Joan Pertersilia has observed, it is "one thing to say that a person will not commit a crime while incarcerated and quite another to say that society's overall crime rate will be affected" by the increased use of imprisonment. One recent study suggests that the simple incapacitation effects of imprisonment (how many crimes are averted by keeping known, convicted offenders behind bars, or, conversely, the increase in the level of crime caused by an increase in the use of probation or parole) may be socially significant without even being detected in crime rates. (Rates which can fluctuate for demographic and other reasons having little or nothing to do with sentencing policies or the justice system more generally.)

For example, in 1989, there were an estimated 66,000 fewer rapes, 323,000 fewer robberies, 380,000 fewer assaults, and 3.3 million fewer burglaries attributable to the difference between the crime rates of 1973 versus those of 1989 (i.e., applying 1973 crime rates to the 1989 population). Langan reports that, if only one-half or one-quarter of the reductions were the result of rising incarceration rates, "that would still leave prisons responsible for sizable reductions in crime." Tripling the prison population from 1975 to 1989 "potentially reduced reported and unreported violent crime by 10 to 15 percent below what it would have been, thereby potentially preventing a conservatively estimated 390,000 murders, rapes, robberies, and aggravated assaults in 1989 alone." And Block and Twist find that increasing by only 4.5 months the time served by violent offenders would avert an estimated 40,000 violent crimes each year; if the number of violent offenders sent to prison increased by just 9,000

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each year, an estimated 140,000 violent crimes could be prevented each year.

Environment matters

A National Academy of Sciences study of "adolescents in high-risk settings" concluded that adults "in poor neighborhoods differ in important ways from those in more affluent areas." These neighborhoods lack "good role models for adolescents" and have a "far higher percentage of adults who are involved in illegal markets. The poorest of neighborhoods seem increasingly unable to restrain criminal or deviant behaviors."

That is a polite and politic way of saying that some fraction of children who grow up in inner-city neighborhoods today grow up amidst deviant, delinquent, and crime-prone teenagers and elders, many of them felons, ex-felons, and drug addicts. Indeed, as almost every seasoned prison official knows, virtually all prisoners begin their criminal careers quite early in life, and a large fraction of them come from families where fathers, mothers, or siblings have also been in trouble with the law.

Studies show that more than half of youths in long-term state juvenile institutions have one or more immediate family members (father, mother, sibling) who have also been incarcerated. A study that compared the family experiences of more violent and less violent incarcerated juveniles found that 75 percent of the former group had suffered serious abuse by a family member, while "only" 33 percent of the latter group had been abused. Likewise, 78 percent of the more violent group had been witnesses to extreme violence, while 20 percent of the less violent group had been witnesses.

Most prisoners come from single-parent families, over one-quarter have parents who abused drugs or alcohol, and nearly one-third have a brother with a jail or prison record. Many produce the same sad experience for their own children. In 1991, male and female prisoners were parents to more than 825,000 children under age 18. The facts about women in state prisons are particularly revealing and disturbing. Women in state prisons in 1991 were most likely to be black (46 percent) and between the ages 25 to 34 (50 percent). Between 1986 and 1991, the number of women in state prisons rose by 75 percent. Over 70 percent of female prisoners had served a prior sentence

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to probation or incarceration. About 58 percent of them grew up in a household without both parents present; over half had used drugs including crack cocaine in the month before the current offense; 47 percent had at least one immediate family member who had also been incarcerated; 43 percent had been physically or sexually abused; and 34 percent had parents or guardians who abused alcohol or drugs.

There are countless analyses of how best to help inner-city children resist the blandishments of alcohol and drugs, remain in school, and avoid criminal involvement and victimization. For example, a 1993 OJJDP report concluded that the "behavioral factors that contribute to serious, violent, and chronic juvenile crime" are delinquent peer groups; poor school performance; high-crime neighborhoods; weak family attachments; lack of consistent discipline; and physical or sexual abuse. The first of OJJDP's "key principles for preventing and reducing juvenile delinquency" is to "strengthen families."

The punchline to the old joke about the economist marooned on a desert island with unopened cans of food preserves is "Assume a can opener!" The punchline of virtually all juvenile delinquency prevention research is "Assume a good family!" or "Assume a better neighborhood!" The problem is that so many children who go on to become serious juvenile offenders and predatory adult criminals begin life in homes and neighborhoods where the teenagers and adults in their midst are hardly more likely to nurture, teach, and care for them than they are to expose them to neglect, abuse, and violence.

As Peter Greenwood's study of delinquent and high-risk youth in California concluded, we "know from a number of well-designed studies that chronic delinquency usually has its origins in early childhood experiences." In a comprehensive review of the literature on criminal behavior, James Q. Wilson and Richard J. Herrnstein concluded that we must "rivet our attention on the earliest stages of the life cycle," for "after all is said and done, the most serious offenders are boys who begin their careers at a very early age." And these very bad boys do come disproportionately from very bad homes in very bad neighborhoods. As David Altschuler and Troy Armstrong's masterful survey of the literature on the need for intensive interventions into the lives of high-risk youths concluded, most juveniles who "engage in frequent criminal acts against persons and property ... come from

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family settings characterized by high levels of violence, chaos and dysfunction."

As is commonly believed, a good deal of the violence, chaos, and dysfunction in these crime-infested settings is related to drug and alcohol abuse. Studies show that alcohol abuse is a major public health problem in inner-city black neighborhoods. Nearly a quarter of state prisoners initially became involved in crime to get money for drugs. Children who are exposed regularly to substance-abusing adults are far more likely to develop substance abuse and related problems of their own later in life than otherwise comparable children who are not so exposed.

The simple truth is that children cannot be socialized by adults who are themselves unsocialized (or worse), families that exist in name only, schools that do not educate, and neighborhoods in which violent and repeat criminals circulate in and out of jail.

According to many big-city police officers, school principals, jail officials, adult and juvenile probation officers, corrections researchers, older prisoners, and others who are in a position to grade the problem in terms of such unobtrusive, field-based, street-level measures as their own sense of frustration and fear when in contact with inner-city youth, things are getting worse and worse. The following reflection of Los Angeles District Attorney Gil Garcetti is typical of what one hears on this score: "It's incredible—the ability of the very young to commit the most horrendous crimes imaginable and not have a second thought about it. This was unthinkable 20 years ago."

In the single most important ethnographic study of contemporary urban street criminals, the vast majority of them black, Mark S. Fleisher offers a compelling analysis of how deviant, delinquent, and criminal adults beget deviant, delinquent, and criminal children. Reducing street crime in these neighborhoods, he argues in the forthcoming *Beggars and Thieves: An Ethnography of Urban Street Crime*, "depends on creating and maintaining safe, healthy early-life social environments for pre-teenage children." At-risk juveniles "must be protected from parents" who abuse, neglect, and put them on the road to a life of crime. "We must do more," he concludes, than ask these parents "to stop beating their sons and daughters, we must permanently remove children from brutal parents."

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Our children

More than anything else, at-risk inner-city children need to be protected from abuse and crime at the hands of their relatives and neighbors, and educated and raised by caring, capable adults. Arguably, the deeper the intervention into the lives of at-risk children, the more complete will be the cure. We need to begin to think about, debate fairly, do research into, and develop institutions that remove at-risk children from at-risk settings and succeed in giving them as fine a start in life as possible under the circumstances.

No combination of piecemeal, family-centered, community redevelopment policies can compete with the negative forces at work in the lives of many of today's at-risk inner-city children. That is the real lesson to be drawn from such programs as Head Start. The long-term effects of Head Start are in grave doubt, as is the basic quality of its personnel administration. In the 1994 congressional debate over the program's reauthorization, no body of empirical evidence was produced to show that it had yielded large, positive, and lasting effects measured in terms of IQ, school performance, or the chances of avoiding teen pregnancy, landing a job, or avoiding trouble with the law. As James Q. Wilson points out, the largely successful program that inspired Head Start, the Perry Preschool Program in Ypsilanti, Michigan, was "not limited to providing children with preschool experiences for twelve-and-a-half hours a week. It also involved an extensive program of home visits."

There are today many worthwhile programs that, like the old Perry Program, send visitors into families' homes to provide information, health care, or psychological or other support services. The Packwood Foundation's 1993 evaluation of these programs is cautious but hopeful. With few exceptions, however, these programs focus not on children but on *both* children and families, and they operate wholly within the constraints imposed by the dysfunctional or crime-infested environments within which the children continue to live.

The self-evident truth assumed in much of the contemporary social policy literature on at-risk youth is that the only effective and legitimate way to save the children is to save simultaneously everyone that surrounds them, including the abusive, neglectful, or criminal adults in the homes from which they come. This

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"truth" is merely a self-deluded reflection of what Heather Mac Donald has aptly described in these pages as the "ideology of family preservation."*

As uncertain as the benefits of more child-centered social policies might be, the fallacies and flaws of family-centered policies could not be clearer. The family-centered approach to social policy has been ascendant at least since the New Deal. From 1850 to 1930, however, many reformers held to a more child-centered policy philosophy of removing at-risk children from the disease, crime, and moral squalor of their urban environments. Indeed, during those years the members of a child-removal movement relocated some 200,000 children—a minority of them orphans, a majority of them from the slums of big cities, all of them from impoverished or abusive families—to rural areas in the West, the South, New England, and upstate New York.

The effects of this "placing out" policy are hard to know. On balance, the best single study of the policy offers this positive assessment: "Faced with what urban life offered the poor—street life, crime, prostitution, overwhelming deprivations, incarceration, and little hope for escape—the argument must swing to (the placing out advocates') heartfelt appeals."

The time has come to take another look at the development of some species of "placing out" institutions for at-risk inner-city children. As Mary-Lou Weisman noted in the *Atlantic Monthly*, at the end of 1990, there were about 406,000 children in "out-of-home placements," some 65,000 of them in "group homes and residential treatment centers that are the institutional descendants of the orphanage." As James Q. Wilson has argued, we need to think seriously about developing and improving such institutions—call them "boarding schools," "orphanages," or "residential homes"—the primary object of which

> would be to provide a safe, consistent, and enjoyable mechanism for the habituation of the child—that is, for the inculcation of the ordinary virtues of politeness, self-control, and social skills. Another goal for these schools would be either to place their students into a college or to qualify them for entry into an occupation by means of an apprenticeship program.

Family-centered policies make the mistake of assuming good or easily repairable families; child-centered policies ought not

*See *The Public Interest*, Number 115, Spring 1994.

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make the mistake of assuming successful or easily crafted institutions. At present, no one has even begun to research what kinds of institutions for at-risk children might work best under what conditions. There are a tremendous number of questions to be addressed. Should the institutions be public or private or public-private? What do we really know about the efficacy of institutions that have attempted similar tasks in the past? At what age is even full-scale intervention "too little, too late?" What do we know that might enable us to begin to calculate the optimal size of these institutions? Historically, what administrative problems have turned such institutions into nothing more than wretched orphanages, foster-care complexes, or hellish reform schools, and how, if at all, can these difficulties be minimized or eliminated? What political, legal, budgetary, and moral considerations should influence how the institutions are structured, where they are located, and whether they are to be voluntary or mandatory?

Ideally, public resources might be used to enable parents in inner-city neighborhoods to voluntarily enroll their children, starting at an early age, in "boarding schools." In all probability, however, those parents who are most likely to grasp such an opportunity for their children are also those parents who are least likely to abuse, neglect, or place their children in crime's way.

If we are going to debate, research, and make incremental experiments with this most radical of radical social program proposals, then there is no point in avoiding the gut-wrenching questions of public philosophy and administration that it entails. Youth and family service agencies already have criteria for deciding when, where, and for how long a child is to be placed outside the home (group homes, foster homes, medical/psychiatric hospitals, secure facilities, and juvenile lockups or "training schools" as they are called in many states). What types of abusive, neglectful, or criminal acts by parents or guardians might legally mandate placing out? How many such acts of which types should trigger placing out? These are the sorts of tough practical and moral questions that await those whose concerns about social policies for children extend beyond the latest recipes for "family preservation" and encompass the need to remove some small fraction of at-risk children from parents who have done them severe and certain harm.

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Courts, black crime, and kids

Proponents of judicial activism have traditionally argued that the courts must correct injustices when the other branches of government refuse to do so. The courts are the last resort for those without the influence to obtain new laws, especially the poor and powerless.

In the case of America's black crime gap, however, we are not talking about activist court orders. Instead, we are talking about strict judicial scrutiny and enforcement of existing, democratically enacted federal, state, and local laws, policies, and procedures governing such things as compliance conditions for probationers, drug-free school zones, conditions of confinement in juvenile detention facilities, the administration of foster care and child welfare systems, and so on.

The courts' first order of business must be to promote the physical security of inner-city children, especially to protect them against violent and repeat criminals, adult and juvenile. The little Linda Browns of today's inner-city neighborhoods are being deprived of all manner of specific legal protections and civil rights. It is a contorted conception of civil rights that requires government action against segregated schools but does not require it against violence-ridden ones, virtually all of which are located in poor, minority neighborhoods. It is a morally bankrupt jurisprudence that sees a civil rights interest in enabling children to attend the local public school of their choice, but sees none in enabling children to walk to school without having to dodge stray bullets, run from drug dealers, or wear colors that do not offend street gangsters.

But the ultimate solution to the black crime gap will come (or not) from within the black urban community itself. About three-quarters of all blacks living in metropolitan areas are not in poverty. As Richard P. Nathan has pointed out, there are a growing number of minority working- and middle-class urban neighborhoods, the "flip side" of "the urban underclass." But whether these neighborhoods will survive and flourish, and whether, in turn, their success can somehow be turned to the advantage of those left behind in the crime-torn inner cities, are open questions that cry out for more public attention and greater research.

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Unfortunately, the best prediction about saving at-risk inner-city children is probably the least hopeful one. We will continue with failed criminal justice policies that do little to empower the law-abiding residents of these places to raise their children in peace. We will continue with piecemeal, family-centered (as opposed to comprehensive, child-centered) social programs that have few, if any, long-term benefits. We will continue with a public discourse that enables policy intellectuals of all ideological persuasions to retread old arguments, policy makers of both parties to pass new but ineffective laws, judges to look the other way, and average citizens of all races to shrug off any sympathies they may feel toward young, faceless fellow citizens whose personal and economic fates are not closely intertwined with their own.

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Listen to the black community

GLENN C. LOURY

JOHN DIIULIO'S ESSAY provides a useful summary of the appalling disparity between the rates at which black and white Americans are victimized by violent criminals. The statistics are staggering; the moral and political problems raised by them are profound. While this situation is not new, DiIulio shows that "America's black crime gap" has grown worse in the last decade. He reports, for example, that the homicide victimization rate for black youth, already three times the rate for white youth in 1986, doubled in the five years between 1986 and 1991, while the white rate remained unchanged.

DiIulio offers two principal explanations for the racial crime gap. First, poor people cannot afford to purchase safe environments for themselves and their families, and they cannot rely on the police to keep them safe where they live. Second, inner-city black communities are exposed at a vastly disproportionate rate to the predation of the violent, repeat offenders when these offenders are not kept in jail. Accordingly, he recommends that public policy aim at securing the streets, schools, and housing projects of inner-city communities, and at keeping the bad guys behind bars for longer periods of time. He also suggests that youngsters, at risk of becoming career criminals due to their pathological home environments, be removed from these circumstances early enough to prevent the intergenerational transmission of social deviance.

This last prescription is radical, as DiIulio recognizes. I will comment on it in due course. His suggestion that we invest public resources in the kind of security for the poor that middle-class Americans take for granted is justified on the grounds of fairness alone in my view. Just how effective this would be is another matter, though. DiIulio speculates that significant benefits would follow a dramatic increase of police presence in high-crime areas but has no real evidence to support this speculation.

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Thus, the heart of his policy argument is the case for longer incarceration for violent and career criminals. I find this argument to be compelling: repeat offenders commit a large number of violent crimes while awaiting trial and when out on parole. Because these offenders are much more likely to be residents of poor inner-city communities, their law-abiding neighbors bear the brunt of this burden. Keeping known bad guys in prison for a longer period of time would repay society far more than it would cost, with the poorest among us benefiting the most.

WHY, THEN, DO advocates for poor blacks so strenuously resist this policy proposal? Answering this question is, I believe, critical to reducing the racial crime gap. Indeed, DiIulio actually identifies two black crime gaps in his essay. Blacks are much more frequently the victims of violent crimes—call this Gap #1. But blacks are also much more often the perpetrators of violent crimes—call this Gap #2. Debate about crime policy in this country is substantially shaped, implicitly and explicitly, by Gap #2, while Gap #1 seems virtually invisible.

Why is it so salient in the American political imagination that building prisons means incarcerating even more young black men—an image associated by many with racial oppression, and yet it requires a genuine act of will to see that building prisons also means fewer rapes, robberies, and killings of innocent black men, women, and children? Why is the killing of a young black man national news when the perpetrator is white but a barely discernible blip on the media horizon when the perpetrator is black? Why does the "racial justice" issue in debates on a crime bill get defined in terms of discrimination in the application of the death penalty but not in terms of the differential extent to which police resources are allocated to the protection of black and white communities in the nation's most violent cities? Why is crime such a powerful political issue in suburban districts where crime rates are low and falling, while in inner-city districts where crime rates are high and rising ultra-liberal incumbents feel no pressure to modify their positions?

It is important to take up these questions because significant movement toward "incapacitating the criminally deviant," as DiIulio advocates, is unwise to undertake and unlikely to occur absent some greater measure of black authorization than seems now to be available. Longer sentences, less plea bargaining, and tougher parole standards mean substantially increased incarceration rates for black perpetrators. This will certainly be fought by black and liberal politicians in Congress and in the state legislatures, and it

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could ultimately be resisted by rank-and-file blacks in the streets. DiIulio cites the interesting observation of Harvard Law Professor Randall Kennedy to the effect that many controversial issues in criminal justice policy involve not only *interracial* conflict but also *intraracial* conflict, since the interests of different groups of blacks are differentially impacted by proposed policies. He fails, however, to appreciate fully Kennedy's point, drawn out more completely in his longer comment in the April 1994 *Harvard Law Review*, that law-abiding black Americans are deeply ambivalent about these issues.

This ambivalence is rooted in some obvious sociological facts. The young black men wreaking havoc in the ghetto are still "our youngsters" in the eyes of many of the decent poor and working-class black people who are sometimes their victims. The hard edge of judgement and retribution is tempered for many of these people by a sense of sympathy for and empathy with the perpetrators. This is a fact of deep political significance.

It is not enough to argue (as I once did) that the black liberal representatives of these crime ridden areas are placing ideology above the safety of their constituents when they call for prevention programs instead of more prisons. I do not believe that these politicians are blind or indifferent to the tragic reality unfolding in their communities. I would agree with DiIulio that they are making the wrong policy judgement. However, this assessment involves more than a technical, cost-benefit calculation. It involves a willingness to view with contempt and disdain the urban black cultural milieu from which these violent predators arise. It requires that we be prepared to write off many of the perpetrators (some at a quite early age) as beyond redemption. While this may be a morally necessary stance in the face of the carnage described by DiIulio, it is nevertheless one that many people understandably will find difficult to take.

THE MURDER OF Polly Klaas created a national uproar; the more numerous atrocities perpetrated by known violent, repeat criminals against ghetto children draw scant political attention. What does this tell us? Certainly not that racist America cares about murdered children when they are white but not when they are black. For, were the residents of the ghetto, through their political, civic, and religious leaders, demanding in the name of justice and civil rights that their communities be protected from the predation of these vicious criminals, these demands would surely not fall on deaf ears. If the degree of energy and organizational skill invested in campaigns against ra-

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cially motivated violence, or against police brutality, or against the death penalty, were instead to be expended voicing demands that bad men be kept behind bars, these demands would become irresistible. It is the muted response of the residents and political representatives of inner-city communities to their own victimization that accounts for the difference between the celebrity of Polly Klaas on the one hand, and the anonymity of countless young black victims on the other. This muted response is a direct reflection of their ambivalence toward and identification with the perpetrators of these crimes.

Too often missing in these discussions is a sense of the tragedy of this situation. If we are to move in the direction DiIulio advises then inner-city residents will have to be either persuaded to endorse, or forced to endure, an intensified effort to warehouse for longer periods of time a larger number of their own neighbors, cousins, and sons. They will have to accept the social judgement that the behavior of many of their children is contemptible, irremediable, and unexcused by exigency. They will have to cooperate in the painful lancing of this boil, not just for one time only but year-in and year-out, for as long into the future as anyone can foresee.

Is it any wonder then that the vast majority of reflective people in these communities seek to avoid this course? What has John DiIulio to say to these conflicted people that will persuade them of the necessity to follow such a difficult path? Or does he intend that the courts force them to endure such interventions as his analyses suggest will better their children's lives? Where have we heard that before?

I DO NOT put the matter this way out of lack of appreciation for the important information contained in DiIulio's paper. Nor do I intend to impugn his motives. However, I do think his discussion is politically naive, and morally incomplete. He talks about the poor black urban communities as if there were "no there there." They have no voices, no capacities to fathom their circumstances and how to respond to them, no political clout, no resources which can be mobilized for reconstruction and redemption. But this is patently not true. In particular, as I have stated, these communities and those who represent them have the capacity to alter the political discussion in the country about the very issues of criminal justice policy with which DiIulio is concerned. Beyond that, there are elements in these communities—religious and civic volunteers working with young unwed mothers, in housing projects, in schools and hospitals, and with

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gang members—who are positive forces for change. It is obvious to me that, if anything is to be done to reverse the situation in these decimated communities, it will require the mobilization of forces of this kind, in addition to whatever activities government must undertake.

Finally, let me discuss briefly DiIulio's radical prescription to remove children from crime-infested homes and communities, and place them in boarding schools, so that they might be properly socialized and develop their moral sensibilities. I will put aside the legal and administrative difficulties with this policy, of which DiIulio is certainly aware. I am not at all confident that we know how to create nurturing institutions on a large scale through government agency. However, in addition to these questions of administrative feasibility, there are the fundamental moral questions which DiIulio mentions concerning how the power to remove children from their parents will be exercised, by whom, and for what cause. He gives no answers to these questions. We are simply told that these are questions that serious people ought to be prepared to take up. One can, I think, be confident that, in our current legal culture, any effort at the expanded removal of at-risk children from "parents who have done them severe and certain harm" will trigger protracted battles and raise basic constitutional questions.

We might also ask whether the failure of parents to adequately care for their children is limited to high crime-generating communities, or extends more broadly through society. Perhaps, in the spirit of my earlier comments, it would be worthwhile for "serious" people to have some discussion with the residents and representatives of criminogenic communities before removing their children to state-run homes in the interest of saving them from the pathological influences of their parents and neighbors.

Prisons in a free society

JAMES Q. WILSON

JOHN DIIULIO HAS BROUGHT our attention back to precisely the points on which it ought always to focus and from which it regularly wanders. He reminds us of who really suffers from crime, how little we know about the ways to prevent it, and how much can be done by the one approach—using the criminal justice system—that is available to us.

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Two things need to be said about imprisonment as a way of reducing crime. The first applies to the incapacitative effect of prison. Very large increases in the prison population can produce only modest reductions in crime rates. That seems counterintuitive. If we double the number of prison inmates or double the sentences they serve, should not the crime rate fall by a like amount? The reader should understand why this doesn't happen; why, that is, doubling the prison population probably produces only a 10 to 20 percent reduction in the crime rate.

One reason is that judges already send the most serious offenders with the longest records to prison. Very few judges, contrary to what some people think, give slaps on the wrist to robbers and assaulters who are three-time losers. This fact means that as you increase the proportion of convicted offenders who go to prison instead of being put on probation, you dip deeper into the bucket of persons eligible for prison, dredging up offenders with shorter and shorter criminal records. The marginal utility (where utility is the prevention of a crime) of sending each additional offender to prison will, on the average, decline.

Moreover, the most serious offenders typically get the longest sentences. All offenders have a criminal career of a finite length. (Some thugs may mug and murder until the day they die, but they are the exception. Age slows us all down, mugger and victim alike.) Alfred Blumstein and his colleagues at Carnegie Mellon University have estimated that the residual criminal career of the average offender who commits violent crimes (such as assault and murder) is about 10 years.* This means that if you lengthen the sentence of the persons already going to prison, you shorten the length of their criminal career. At some point you will be keeping them in prison during the years of their life when, if they were on the streets, they would have stopped offending. This does not mean inmates should be set free as soon as some social scientist predicts their careers are over; not only can social scientists not make such predictions accurately for given individuals, many of these inmates (Charles Manson comes to mind) have committed such heinous acts that justice requires very long sentences, or even execution. But lengthening time served beyond some point will, like increasing the propor-

*This average is somewhat misleading, since there are some offenders who commit only one violent crime and others who commit them repeatedly until they die. If we could accurately identify and imprison the latter group, the "average" career length would be irrelevant. But to the extent we cannot accurately give the longest sentences to offenders with the longest careers, the average career length assumes greater importance as a predictor of the crime-reduction effect of incapacitation.

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tion of convicted criminals sent to prison, encounter diminishing marginal returns.

States differ in how large the marginal value of a higher imprisonment rate or longer terms will be. Some states (Texas comes to mind) have traditionally sent a higher proportion of offenders to prison. Since they are already dipping deep into the bucket, dipping any deeper will not produce much additional public safety. Other states (Minnesota comes to mind) have until very recently reserved prison for only the most dangerous or high-rate offenders; indeed, for many years the sentences meted out there were in part determined by existing prison capacity. The marginal utility of dipping deeper into the bucket, or making those in prison stay longer, might be quite large in such states.

THE SECOND PROBLEM has to do with deterrence. The threat of punishment deters almost all of us to some degree. Even if sending a higher fraction of all criminals to prison for longer periods has only modest (but still, perhaps, quite worthwhile) crime-reduction effects, wouldn't the increased chances of going to prison deter would-be offenders? Maybe. A lot depends on what drives the chances of going to prison and how feasible it is to increase those chances in a meaningful way. DiIulio has correctly pointed to the decline between 1960 and roughly 1980 in the likelihood that a given crime would result in a day in prison. The cost of a crime, in the expected number of days served, fell dramatically, and then recovered somewhat after about 1980.

But what accounts for the change, and what can be done to reverse it? The popular impression is that the decline is wholly the result of soft-hearted (or soft-headed) judges letting rapists and robbers walk. There was some of that, but there is a lot more to the story. For one thing, the probability that an arrest would follow a crime fell. By my rough calculations, the odds that a robbery reported to the police would result in an arrest for robbery fell, between 1960 and 1989, by about 16 percent. Patrick Langan of the Bureau of Justice Statistics found that during the period (the late 1970s and early 1980s) when the chances of an accused person going to prison were rising, the chances of a crime resulting in an arrest were still declining. By his account, the arrest rate for robbery fell by 20 percent between 1974 and 1986. Between arrest and conviction lies the prosecutor's decision whether or not to charge, what plea bar-

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gain to accept, and what penalty to request. We have no data on how prosecutorial behavior has changed.

All of this means that increasing the deterrent effect of prison is not as easy as it may first appear. You will have to first increase the arrest rate; more cops would help, but that is not enough. You will have to find more prosecutors (and public defenders) and make them work harder, because if the chances of prison for a given offense go up, the chances of a defendant taking a plea bargain go down. Then you would have to shrink judicial discretion, something that judges will fight to the bitter end. They don't like mandatory sentencing laws and some are willing to find ways of evading them.

DIIULIO IS RIGHT to say that society must be prepared to use the criminal justice system vigorously, especially if it wishes to be a free society. Being free means having loosened the ties of tradition, family, village, and reputation in the name of emancipating the individual. Japan and China do not need to use the threat of prison because, in very different ways, their people are less free than ours. Some people think a large prison population is incompatible with freedom or a sign that a society does not take that goal seriously. They are quite wrong. Europe is now discovering this sobering truth, as we are.

Learning that lesson is hard; applying it is even harder. It is not cheap or easy, and we cannot expect many large gains.

A failure of moral conviction?

PAUL H. ROBINSON

JOHN DIIULIO DESERVES a badge of courage for taking on the often ignored issue of black inner-city crime. American blacks are being victimized in inner cities at record rates but, because the victimizers are black, the subject is taboo. Better to avoid an awkward discussion of inner-city black violence than to save black lives? If anyone ever had doubts, political correctness lives.

However, despite its usefulness, DiIulio's essay misses the larger and more important point. He is wrong when he concludes that "America does not have a crime problem; inner-city America does." He ignores four decades of rising crime in white America. According to government reports, in 1955, there were 46 robber-

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ies annually per 100,000 population; for equal population today we have over 270 robberies annually, a sixfold increase. Rape rates have more than tripled. Burglary rates have almost quadrupled. Murder per capita has more than doubled. The aggravated assault rate has increased more than sixfold. Overall the major crime rate is more than four times what it was four decades ago, including both urban and rural areas.

Black and white crime rates have increased together. The black-white arrest ratio for the offenses noted above, for example, has remained relatively constant over the past 40 years. (In fact, the proportion of white arrests has increased over black in many offense categories, including homicide, aggravated assault, and burglary.) The black crime gap could disappear tomorrow and America would still have a crime crisis beyond anything imagined in the 1950s.

This does not mean that DiIulio's proposals on inner-city crime ought to be ignored. The black/white and 1950s/1990s crime gaps may have a common cause, with the long-term criminogenic forces in society at large exaggerated in their effect in today's inner cities. DiIulio's proposals could help the larger crime problem and ideas for closing the 1950s/1990s gap could help close the black/white gap.

EACH OF DIIULIO'S first three proposals—securing neighborhoods, more cops, and more and longer prison terms—could reduce crime, but we ought to be realistic about how much improvement to expect. Securing neighborhoods will deter offenders who strike only because the target is relatively unprotected, but how many of these are there? The push of drug addiction to rob and steal, for example, does not disappear because neighborhoods are made more secure. Even for the purely opportunistic criminal, neighborhood security may simply shift the selection of victim to another location. If everyone in one neighborhood installs deadbolts, the burglar may simply move on to another where everyone has not. Increased security measures also may simply cause use of greater force. If doors are locked, the thief may start breaking windows.

DiIulio's proposal for more cops also may reduce crime but, again, let's be realistic. Cops rarely stop crime by intervening to prevent it. Typically, they are called during or after the offense. They stop crime primarily by deterring it, by creating the possibility of being caught, convicted, and punished. But look at the nature of that deterrent threat. When contemplating a burglary, one faces a 1.6 percent chance of being caught, convicted for it,

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and imprisoned. The chance is .6 percent for committing a theft, .7 percent for a car theft, .8 percent for an assault, 3.8 percent for a robbery, and 12 percent for a rape. Only homicide weighs in with an other-than-minor chance (44.7 percent) of going to prison.

The current crime bill's proposal for 100,000 more cops, a 12.5 percent increase over the current force, is not likely to make a dramatic difference in these deterrent threats. If we assume that every new cop will catch as many criminals as the average present cop and if we assume that the rest of the system—prosecutors, sentencing judges, and prison builders—will be able to deal as effectively with these additional 12.5 percent arrestees to produce 12.5 percent more convictions and 12.5 percent more prisoners—assumptions that are generous if not fanciful—the new cops would boost the deterrent threat of imprisonment by 12.5 percent.

That would mean that instead of a 1.6 percent chance of prison, prospective burglars will face a whopping 1.8 percent chance (an increase of 12.5 percent). Robbers won't be able to slip by any longer with a 3.8 percent chance; now they'll be facing a 4.3 percent chance! And rapists will have to think twice now that they're risking a 13.5 percent chance, instead of just 12 percent. It's unclear that many potential offenders will be deterred by the increased risks from the new cops.

MORE AND LONGER terms of imprisonment can increase deterrence but, again, by how much? Prison terms are a deterrent threat only if an offender thinks he or she may be caught and convicted. Most potential offenders are grossly overoptimistic about the success of their plans to avoid capture. But assume a brutally realistic assessment. When contemplating a burglary, one faces only a 2.1 percent chance of being caught and convicted for it. Theft risks a .9 percent chance, car theft a 1.1 percent chance, assault a 1.1 percent chance, robbery a 4.2 percent chance, and rape a 14 percent chance. (Again, only homicide presents a significant chance, 47 percent.) When the threat of being caught and convicted is one hundred to one, as it is for theft, car theft, and assault, or even twenty-four to one, as it is for robbery, many offenders will consider the chance of being sentenced so remote as to make sentencing policy irrelevant to them.

More and longer terms will, of course, keep more offenders off the streets for longer and this, in itself, will reduce their opportunity to victimize the public. Yet, such incapacitation as a

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primary crime control strategy has serious drawbacks. First, it can be wildly expensive. Each 30 year old given life imprisonment, as proposed under the "three strikes and you're out" policy, for example, is an investment of over one-half million dollars. Add to this our presently poor ability to predict who will and who will not recidivate: a false positive rate of two in three. This means that only one of every three individuals predicted to recidivate actually will, necessitating the incarceration of three times as many people to protect ourselves. The result is the need for a very large number of one-half million dollar investments. Remember also that this strategy works only to prevent subsequent offenses. It does nothing to prevent the offenses that lead to the long-term incarceration.

Perhaps even more costly about this approach is the fact that it is unfair. Setting prison terms according to "dangerousness" is to impose punishment for what someone thinks an offender will do in the future rather than for what the offender has in fact done in the past. As sentencing for "dangerousness" becomes more common, it transforms the criminal justice system from one committed to doing justice—giving punishment to those who deserve it, no more, no less—to a system of pure social control.

Society certainly has a right to protect itself. It is on this ground that we commit persons who are dangerously mentally ill and persons with contagious diseases. However, using the *criminal justice* system for this purpose undercuts the credibility of that system's claim to be built upon moral desert. That seriously undercuts the system's moral authority and, in turn, people's willingness to voluntarily comply with it.

DiIulio's proposals for securing neighborhoods, more cops, and more and longer prison terms use the best that current crime control theories have to offer, but they present a truly depressing picture. Is our choice to live with the currently high and increasing levels of crime or to spend enormous sums for modest reductions (or to simply prevent further increases)? Is our future one of an ever increasing number of people in prison because we fear they may commit a crime? Can't we do something to prevent people from committing crimes in the first place?

CURRENT CRIMINAL POLICY debate tends to focus on what to do with, about, and to offenders. The DiIulio proposals fit the trend. Yet, think for a moment about those who obey the law. Why do the vast majority of people, even in difficult situations of need and temptation and even when unlikely to get

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caught and punished, remain law-abiding? Even if a large number of inner-city black male youths commit crimes, as DiIulio notes, some do not. If we could understand what makes a person choose not to commit a crime, even when temptation and opportunity present themselves, we might be able to develop and enlarge the influence of those forces.

Why do people obey the law? Here is what some social science studies suggest. Beyond the threat of legal punishment, people obey the law (1) because they fear the disapproval of their social group and (2) because they generally see themselves as moral beings who want to do the right thing (as they perceive it).

As to the first, social disapproval, Robert Meir and Weldon Johnson, for example, conclude: "despite contemporary predisposition toward the importance of legal sanction, our findings are ... consistent with the accumulated literature concerning the primacy of interpersonal influence [i.e., social disapproval]" over legal sanction. The influence of those in a person's social circle helps explain the special relation between crime and gangs. It is not the greater threat of group attack or group planning that makes gangs dangerous. It is their effect in legitimizing an aberrant moral code. By joining a gang, a youth's social circle of influence becomes a group that takes pains to set itself apart from the rest of society and its norms.

As to the second source of compliance, personal moral commitment, Tom Tyler concludes that "testing the ability of each of the attitudinal factors ... to predict variance in compliance ... the most important incremental contribution is made by personal morality." People obey the law because their own moral code tells them to, not because they fear legal punishment. Tyler adds:

> This high level of normative commitment to obeying the law offers an important basis for the effective exercise of authority by legal officials. People clearly have a strong predisposition toward following the law. If authorities can tap into such feelings, their decisions will be more widely followed.

The power of personal morality and social disapproval highlights the hidden cost of stripping away the moral content of criminal justice. By shifting to a system of pure social control, which sentences according to dangerousness rather than desert, the system loses its ability to claim that offenders deserve the sentences they get. By shedding its claim that sentences are morally deserved, the system dilutes its ability to induce personal shame and to instigate social condemnation.

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The connection between a criminal justice system's moral credibility and crime has special implications for black crime. Blacks are the group most distrusting of the current system. According to the *Boston Globe*, 80 percent of blacks think the system treats blacks unfairly (as compared to 61 percent of whites who think the system does treat blacks fairly). This greater disaffection, by itself, would predict greater black crime, and not just in inner cities but anywhere greater disaffection exists. The connection between less respect and greater crime complicates matters for black leaders. Rousing indignation against the unfairness of the system ultimately creates more black defendants for that system.

HOW CAN LEGAL authorities tap into the powerful forces of personal morality and social disapproval to combat crime? One approach, hinted at above, is to improve the criminal justice system's moral authority which, in turn, would generate greater voluntary compliance. I detail this approach in a forthcoming *Atlantic Monthly* essay, "Moral Credibility and Crime." A second approach, potentially more powerful but also more difficult to implement, is to increase the public's internalization of the norms contained in the criminal code.

Let me be clear about the goal here. It is not to make people more moral in a religious, cultural, or even social sense. It is more modest: to have people internalize the most elemental moral rules, by which I mean the prohibitions against violence and dishonesty that have wide support within society. No doubt, past eras have used the excuse of morality enforcement to gain conformity to cultural norms of questionable legitimacy, and such enforcement has caused much needless suffering by many. But moral relativism has gone too far. If we can agree that violence and dishonesty injure us all, why shouldn't government and other public institutions take an active role in teaching such elemental moral norms?

The potential benefits of increasing the internalization of the criminal code's elemental norms are enormous. First, fear of disapproval and one's own moral commitment both have stronger compliance power than the present threat of legal punishment. Internalization would operate to shape both the individual's own moral views and those of the persons whose disapproval the individual seeks to avoid.

Second, unlike the threat of legal punishment, the fear of disapproval and personal moral conviction both operate independently of an offender's chance of being arrested, convicted, and sentenced. A person's family or friends may suspect an offender's

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violation even if the authorities do not suspect it or cannot prove it. In any case, if the moral norm has been internalized, it will intrude in every contemplation of a crime, no matter how secretive the criminal plans. Thus, greater internalization can reduce crime even if policing and prosecuting functions cannot be made significantly more effective.

Finally, internalization does not have the staggering costs of large-scale incarceration, the increased intrusions of privacy that more effective crime investigation would require, or the increased errors in adjudication that easier prosecution rules would require. Government can increase internalization by refocusing the policies of existing institutions such as welfare, social service agencies, juvenile courts, and schools.

THE DIFFICULTY, of course, is that the development of moral norms is influenced more by family and acquaintances than by government, especially democratic government. Our government is particularly ineffective because it properly puts a high value on personal autonomy and privacy and does not censor the media. Nonetheless, there are some things that even a liberal democratic government can do. For example, DiIulio's fourth proposal—removing neglected or abused children from their families—would foster greater internalization and, therefore, may be his most important point.

If, as many suggest, moral training is in large part done by family, then it is not just the child's interests but also society's that are at stake in child placement decisions. Society's interests demand that the decision take account of the moral example a parent sets. The issue ought not be simply whether the parent cares for the child. The career thief father may care much about his son, enough to bring him into the business. In every instance in which a court convicts a felon who has a child, alarm bells ought to ring.

It is not enough that abused or neglected children be removed. As DiIulio points out, the crime-control benefits will follow only if removal is to a place that provides better moral examples. In many of our current juvenile halls, where the social circle is other delinquents, the moral examples may be worse than the flawed parents.

On the other hand, where a better alternative is available, removal ought not be limited to the child actually neglected or abused. Removing the abused daughter from the reach of an abusing father does not avoid the lessons being taught to the unabused son who learns from his father's conduct.

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THE DIIULIO PROPOSAL also falls short in failing to engage other institutions that can influence moral training. In juvenile court, for example, perhaps jurisdiction ought not depend on chronological age or social sophistication, as it does now, but rather on whether the offender remains amenable to moral training. Consider as well the nature of juvenile rehabilitation—it should emphasize not only self-esteem, but also esteem for others.

Consider our schools. Since morals are taught by example rather than by lecture, schools may have a limited role in shaping moral norms. At the very least, schools ought not teach negative lessons by tolerating violence. In a recent study, more than one in ten teachers and nearly one in four students reported being victims of violence in or near their schools. Thirteen percent of students said they had taken a weapon to school at least once. Certainly, violence in schools interferes with learning, but the greater long-term damage may be teaching indifference to violence.

Consider our treatment of spouse abuse. A son watching dad beat mom takes in the scene in building his own moral code. Against advice of authorities, the mother may chose to stay with the abusive husband, but does it follow that society must stand by as the child learns lessons that a decade later will lead him to victimize his spouse and children and make it more likely that the common frustrations of life will routinely be dealt with through violence? Our shameful tolerance of domestic violence may be coming back to haunt us in our staggering crime rate.

The goal of every institution dealing with families or juveniles ought to be to maximize the internalization of elemental moral norms against violence and dishonesty. Yet, this goal is not a priority in most of our institutions and is not even on the agenda of many.

IF VIOLENCE AND dishonesty are seen as legally wrong but not morally wrong, then we lack the popular consensus needed to reduce crime. Until there is that consensus and until it is publicly acknowledged, it seems likely that high crime will continue. DiIulio's more secure neighborhoods, more cops, and more and longer prison terms will make a dent; removing abused and neglected children will attack the problem, but only around the edges.

Few people want a return to the cultural homogeneity of the 1950s. Yet, a shared moral order, for which we often mock that

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era, may be our only path back to the more bearable crime levels of that decade.

No racism in the justice system

PATRICK A. LANGAN

WHETHER OR NOT America's criminal justice system is biased against blacks today, it clearly was in the past. Between 1930 and 1964, for example, six southern jurisdictions—Louisiana, Mississippi, Oklahoma, Virginia, West Virginia, and the District of Columbia—put to death 67 men for the crime of rape. Not one of the 67 was white. All were black. Is it conceivable that not a single white man committed rape in any of these places? Over a 35-year period? Surely not.

The bulk of the evidence amassed since then on justice system bias is far less conclusive. Plenty of studies exist showing no bias in arrest, prosecution, adjudication, and sentencing. While plenty also exist that show possible evidence of bias, the general consensus among criminologists is that the evidence is not strong.

Compared to legitimate factors affecting decisions, such as the defendant's prior record or the seriousness of the offense, race is only weakly related to whether a defendant is arrested, convicted, prosecuted, or sentenced severely. Moreover, criminologists are divided over how to interpret the weak relationship. Some believe it proves the existence of a lingering, small amount of bias in the justice system, while others are not satisfied that the studies rule out the alternative explanation: when blacks and whites are treated differently it is because the races differ on legal factors that legitimately influence the decisions of justice system officials.

Racial bias studies never completely take into account all of the legitimate factors that determine how a case is handled. Consequently, these unmeasured factors might explain a racial disparity if the factors are ones on which the races differ. Given the small disparity in the first place, such unmeasured factors become potentially important.

Existing racial bias studies share another limitation. They do not tell us how all or even most black defendants in the United States are handled at each of the major stages of the justice system. Instead, they tell us how blacks are treated at a single stage, or in one jurisdiction, or for particular offenses.

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That limitation is not present in new data from a recently completed survey sponsored by the Justice Department's Bureau of Justice Statistics. For one year, the survey tracked samples of adult felony defendants as their individual cases proceeded across major criminal justice stages, from the filing of state court charges in May 1990, through prosecution, to adjudication, and finally to sentencing. (The survey is based on a sample of 10,226 defendants representing 42,538 defendants in the nation's 75 largest counties. For more details, see Pheny Z. Smith, *Felony Defendants in Large Urban Counties, 1990*, Washington: Bureau of Justice Statistics, 1993.) Felony charges of all kinds were included—murder, rape, robbery, burglary, theft, drug trafficking, etc. However, what makes the survey especially relevant to black Americans is the places from which defendants were sampled.

THERE ARE OVER three thousand counties in the nation, but to learn how the U.S. justice system treats most black defendants, we need examine only the 75 most populous urban jurisdictions. The 75 are where most black Americans live (59 percent compared to 33 percent of whites). They are also where blacks have the majority of their contact with the criminal justice system as criminal defendants. In 1990, for example, 62 percent of black arrests for violent crime and 67 percent for drug trafficking occurred there.

By design, felony defendants in the Justice Department survey were all from the 75 largest counties. The survey, therefore, gives us a close look at the justice system's treatment of blacks in the places where most of their contacts with the justice system occur. Such information has never before existed.

Here is what the survey reveals, first about whether blacks were prosecuted more vigorously than whites; second, about whether they were convicted more often; and third, about whether they were sentenced more harshly.

Prosecution. Following the filing of felony court charges, 66 percent of black defendants were subsequently prosecuted (the rest were dismissed). Yet that is slightly *less*, not more, than the 69 percent of whites. Looked at another way, at the stage where felony court charges were filed, black defendants comprised 53 percent of all defendants, but they comprised 51 percent of those actually prosecuted.

Adjudication. Among blacks prosecuted in urban America's courts during the study period, 75 percent were subsequently convicted of a felony offense. Again, this figure is slightly *less*, not more, than the 78 percent of whites. Despite the small

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difference, blacks comprised 51 percent of those prosecuted and also 51 percent of those convicted of a felony.

Sentencing. Results at the sentencing stage are mixed. On the one hand, the average state prison sentence received by blacks convicted of a felony was five and one-half years. That is one month longer than what whites received, a small difference not of statistical significance.

On the other hand, among black defendants convicted of a felony, 51 percent received a prison sentence, substantially more than the 38 percent of whites. As a result, the racial mix changed from adjudication to sentencing, with black defendants comprising 51 percent of those convicted of a felony but 58 percent of those sentenced to state prisons.

CURIOUSLY, PROSECUTORS DID not prosecute black defendants at a higher rate than whites, courts did not convict black defendants at a higher rate than whites, and judges did not give longer prison sentences to convicted blacks than whites, yet judges sent to prison relatively more convicted blacks than whites. However, before concluding that judges are biased, we should check whether the different sentences may have been justified by racial differences in legal factors that judges legitimately take into consideration when deciding on a sentence.

First is whether more black defendants were convicted of any of the violent crimes, since judges imprison violent offenders at the highest rate. The answer is yes. Ten percent of blacks had robbery as their conviction offense versus 5 percent of whites. Moreover, blacks least often had as their conviction offense one of the least severely punished crimes, a public-order offense (18 percent of blacks versus 24 percent of whites), which include possession of stolen property, repeatedly driving without a license, and possession of a concealed weapon.

Next is whether more black defendants were repeat offenders, since judges sentence repeat offenders more harshly than first-timers. Again, the answer is yes. Fifty percent of convicted black defendants had one or more prior felony convictions versus 38 percent of whites.

Another question—one that frequently arises in racial bias studies that combine or "aggregate" samples from different states and different counties—is whether black defendants were more heavily represented in jurisdictions where sentences were possibly tougher, not just for blacks, but for whites as well. If so, combining the jurisdictions would create the appearance of a sentencing disparity even when no disparity actually exists. Be-

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cause America's races are scattered differently across jurisdictions, and jurisdictions sentence differently from one another, aggregating has an effect that is easily mistaken for racially disparate sentencing.

A simple check confirmed the presence of an aggregation effect. Jurisdictions with above-average imprisonment rates for convicted *whites* were identified, and the concentration of the different races in them was then compared. One in five convicted whites, but one in three convicted blacks, were in these tough-sentencing jurisdictions.

Blacks were convicted of more serious offenses, had longer criminal records, and were convicted in places that generally meted out more prison sentences. These three differences explain why 51 percent of convicted blacks but only 38 percent of convicted whites were sent to prison.

THE JUSTICE DEPARTMENT survey provides no evidence that, in the places where blacks in the United States have most of their contacts with the justice system, the system treats them more harshly than whites. Yet, black Americans widely perceive bias. Asked in a 1993 survey, "Do you think the American criminal justice system is biased against black people?" two-thirds of blacks polled said yes.

John DiIulio argues that black Americans have the most to gain from his call for vastly more cops on inner-city streets and tougher courts to lock up inner-city criminals. He is right to be pessimistic about prospects that his reforms will be adopted. Whether or not the justice system is biased against them, black Americans widely perceive that it is. So long as they do, we can hardly be surprised if they fail to embrace justice system solutions to some of their enduring problems.

The importance of deterrence

RICHARD T. GILL

JOHN DIIULIO'S ARTICLE raises so many interesting questions that one would like to devote an extended commentary to each of them. Take, for example, the matter of crime statistics. A central thesis of DiIulio's article is that crime is not an American problem but an inner-city problem and specifically a black problem. Many of the statistics cited in his paper support this thesis, as, for example, the fact that in 1991 the violent crime arrest rate

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for black youths was five times higher than that for white youths.

Surprisingly, however, the specific statistics he presents on violent crime victimization rates suggest quite a different story. In 1992, the violent crime victimization rate per 1,000 teenage black males was, at 113, the "highest ever recorded." The comparable rate for teenage white males was 90. In the case of 20 to 34 year olds, the relevant numbers are, for black men, 80 and, for white men, 52. Thus, we have a young black male violent crime victimization rate for the combined age-group (12 to 34) roughly two-fifths higher than that for young white males. This contrasts sharply with the violent crime arrest rate ratio of five to one mentioned above.

Does this mean that the young black male violent crime commission rate is, relatively speaking, much higher than their comparable victimization rate? Such might be the case, for example, if a very large number of black crimes were committed against whites while very few white crimes were committed against blacks. Other statistics in his paper, however, suggest exactly the opposite conclusion. Thus we are told that 84 percent of violent crimes committed by blacks are committed against blacks while a lower percentage (73 percent) of violent crimes committed by whites are committed against whites. The inference would appear to be that black-white violent crime commission rates are even closer to each other than black-white victimization rates.

Under any circumstances, these numbers hardly suggest that "never before" has violent crime "been so concentrated among teenage and young adult male inner-city blacks." Crime *is* an American, not just a black, problem and, contrary to DiIulio's comments about earlier (1985 to 1991) polls of U.S. citizens, a more recent 1994 *Time* magazine poll suggests that crime is now widely regarded by Americans as the "main problem facing the country today," the second most common response being "lack of morals/values."

ONE WOULD LIKE to go much further into the underlying issues here, questioning, for example, the degree to which American crime is a virus in the black inner-city community which has spread to the surrounding and larger white community or, by contrast, is in essence an American disease whose effects have been much more pronounced in the more vulnerable inner-city black community. Given space and time, one would also like to consider the issue of family breakdown more extensively. DiIulio's treatment of family-oriented policies as a possible cure for our crime problem consists mainly of a joke: when on a

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desert island with unopened cans, "Assume a can opener!"; when faced with juvenile delinquency, "Assume a good family!" My response to his solution, which essentially is to remove large numbers of children from dysfunctional families, is: when faced with inadequate family situations, destroy the family altogether! An actual inspection of centers for abused and neglected children (at least as they operate in my home state of Florida) would quickly put to rest anyone's confidence in this solution. And this is quite apart from the often astronomical expenses involved in such institutions.

Still, one cannot get into all these deep issues and I will confine the rest of my brief remarks to one specific subject: punishment as deterrence. Astonishingly, the word "deterrence" does not appear in DiIulio's entire essay. Actually, this isn't so astonishing as it might seem since a major recommendation of his essay is that prisoners be kept in prison for longer periods of time and since increasing incarceration rates have to date done so little to reduce our crime rate. Neglecting statistical niceties, the gross evidence is the following: (1) the United States currently has one of the (if not the) highest crime rates in the world; (2) the United States has the highest incarceration rate in the world—e.g., roughly four times that of China, six times that of Denmark, ten times that of Japan, etc; (3) over the past dozen years, the number of federal and state prison inmates has almost doubled; and (4) as far as one can tell—and certainly this is the overwhelming popular impression—violent crime has been on the increase overall during this period of enormous inmate expansion.

Again, consider Florida as an example. The state's crime rate grew 5.6 percent in the 1980s. In 1990, a violent crime occurred in the state every 3.16 minutes. A 1993 Florida International University poll revealed that crime is far and away the thing Floridians like least about their state, that 46 percent of respondents felt that neighborhood crime was on the increase (the highest percentage in the poll's six-year history), and that 50 percent say they're afraid to walk alone at night in their neighborhoods.

Does this mean that Florida has been paying less and less attention to its crime problem? Hardly. Between 1983 and 1992, the number of prison inmates almost doubled (from 27,700 to 47,000), as did the number of persons outside prison under some form of Corrections Department supervision (from 65,300 to 111,100). Significantly, the percentage of inmates who are repeat offenders also nearly doubled (from 28.2 percent to 52.1 per-

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cent) during this same period. Incarceration increasing, supervision increasing, state expenditures increasing, and guess what? Crime increasing and especially violent repeat crime!

Of course, DiIulio makes the excellent point that incarceration, by keeping known criminals off the street, does reduce crime below what it might otherwise have been. Had Florida not been locking up all these criminals, crime rates might have been even higher than they were. Still, one has to ask, why has the deterrent value of all this incarceration been so minimal? Why does DiIulio ignore this issue?

MY OWN VIEW is that deterrence is not a peripheral but a central consideration, that deterrence was always thought historically to be a vital function of punishment, and that the fact that present-day punishments no longer typically serve this function reflects important changes both in our society and in the nature of our punishments.

The crucial concept is temporal myopia: the myopia of the young in general, of criminals in general, of young criminals in particular, and, above all, in terms of change, of today's American society in each and every generation and in all walks of life. Over the course of the last several decades, and especially during the past 30 years, America has been transformed into a truly myopic society in which there is an ever-increasing emphasis on the short-term, the near-at-hand, the present, the "now." This is true with respect to our business behavior, savings rate, massively growing federal debt, increasing rates of personal bankruptcies, the spread of gambling, attention (or alas, increasing lack of attention) to our children, illegitimacy, early and promiscuous sex, increasing youthful obesity, drug and alcohol use, and, yes, overwhelmingly, the rise in our crime rate and especially our violent juvenile crime rate. It can be shown, though, of course, not here, that each of these, and many other prominent characteristics of the American scene, reflect a dramatic shortening of our national time horizons. Crime is the archetypal example of such short-sighted behavior, and youthful crime represents myopia to the nth degree.

This means that to have any deterrent effect, punishments must be as immediate as possible, short-run in impact, and harsh in effect. Distant, long-run, relatively mild punishments have zero deterrent effect and possibly, where prisoners have room, board, and cable TV provided free of charge, even negative effect. The difference between tough punishments and long punishments is quite well understood by the general public, though

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not apparently by the U.S. government. Thus, while the administration and Congress keep discussing that most delayed and lengthy of all crime reforms, the "three strikes and you're out" policy, the general public, while overwhelmingly supporting "tougher sentencing," is often less supportive of building more prisons or spending large sums of money to warehouse prisoners for longer and longer periods of time.

What this "tougher sentencing" means to the public is at least hinted at by the general reaction to the recent Michael Fay caning episode in Singapore. This punishment was extremely harsh, immediate, and, at least in comparison to a long period of incarceration, very short-run in impact. The President, and many columnists, condemned the action as barbaric, while the preponderance of letter writers, both Americans at home and on the scene in Singapore, expressed support for caning, even suggesting that such a policy might well be adopted in crime-ridden, violence-infested America.

The difference between "tough" and "long" could not be clearer than in this case. Would President Clinton have raised any protest if, say, there had been no caning, but Michael Fay's prison sentence had been twice or even three or four times as long as it was? Not very likely. Whether one is for or strongly opposed to caning, everyone knows in his heart that this is a truly "tough" punishment, and is very different from long, extended, but relatively innocuous, prison sentences.

What makes caning, or any other punishment, "tough" is precisely the degree to which it is intensely concentrated in a short period of time. Corporal punishment probably seems particularly "tough" in a society like today's America where, increasingly, actual physical pain is a rarity. But other short-term "tough" measures can also be imagined: hard physical labor; nutritious but monotonous near-bread-and-water-style diets; restricted television and other amenities; strict educational requirements; even, for unruly prisoners, public humiliations, conceivably including in extreme cases the possibility of actual corporal punishment.

Would such measures, if adopted in our prison system, actually deter crime? The Singapore case, occurring in a totally different society from ours, proves nothing on this point. However, the general public reaction to this incident strongly suggests that many Americans believe that comparably tough measures would work here and restore some semblance of safety to our streets, parks, homes, and schools. This belief has, I suggest, at least one major point in its favor: namely, that if you want to deter crime in an increasingly myopic society, you have to concentrate your

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punishment within the time-frame that is meaningful to that society, and especially to the criminally-inclined youth in that society.

THUS, although one can support many of the excellent measures John DiIulio proposes in his essay, especially those that involve strengthening "the incredibly thin blue line," one wishes he had given more attention to the quality of punishments meted out rather than their quantity. Time-horizons are crucial. Speedy apprehensions, rapid trials, and, above all, tough, concentrated punishments are the only hope we have of getting into the young criminal's head. And this is where we have to be ... if, that is, deterrence is a central goal.

Without effective deterrence, one might add, our national future may truly turn out to be as bleak as it is painted in DiIulio's final paragraph.

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A de-moralized society: the British/American experience

GERTRUDE HIMMELFARB

"The past is a foreign country," it has been said. But it is not an unrecognizable country. Indeed, we sometimes experience a "shock of recognition" as we confront some aspect of the past in the present. One does not need to have had a Victorian grandmother, as did Margaret Thatcher, to be reminded of "Victorian values." One does not even have to be English; "Victorian America," as it has been called, was not all that different, at least in terms of values, from Victorian England. Vestigial remains of that Victorianism are everywhere around us. And memories of them persist, even when the realities are gone, rather like an amputated limb that still seems to throb when the weather is bad.

How can we not think of our present condition when we read Thomas Carlyle on the "Condition of England" one hundred and fifty years ago? While his contemporaries were debating "the

This essay is adapted from the author's book, The De-Moralization of Society: From Victorian Virtues to Modern Values, *to be published early next year by Alfred A. Knopf, Inc.*

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standard of living question"—the "pessimists" arguing that the standard of living of the working classes had declined in that early period of industrialism, and the "optimists" that it had improved—Carlyle reformulated the issue to read, "the condition of England question." That question, he insisted, could not be resolved by citing "figures of arithmetic" about wages and prices. What was important was the "condition" and "disposition" of the people: their beliefs and feelings, their sense of right and wrong, the attitudes and habits that would dispose them either to a "wholesome composure, frugality, and prosperity," or to an "acrid unrest, recklessness, gin-drinking, and gradual ruin."

In fact, the Victorians did have "figures of arithmetic" dealing with the condition and disposition of the people as well as their economic state. These "moral statistics" or "social statistics," as they called them, dealt with crime, illiteracy, illegitimacy, drunkenness, pauperism, vagrancy. If they did not have, as we do, statistics on drugs, divorce, or teenage suicide, it is because these problems were then so negligible as not to constitute "social problems."

It is in this historical context that we may address our own "condition of the people question." And it is by comparison with the Victorians that we may find even more cause for alarm. For the current moral statistics are not only more troubling than those a century ago; they constitute a trend that bodes even worse for the future than for the present. Where the Victorians had the satisfaction of witnessing a significant improvement in their moral and social condition, we are confronting a considerable deterioration in ours.

The "moral statistics": illegitimacy

In nineteenth-century England, the illegitimacy ratio—the proportion of out-of-wedlock births to total births—rose from a little over 5 percent at the beginning of the century to a peak of 7 percent in 1845. It then fell steadily until it was less than 4 percent at the turn of the century. In East London, the poorest section of the city, the figures are even more dramatic, for illegitimacy was consistently well below the average: 4.5 percent in mid-century and 3 percent by the end of the century. Apart from a temporary increase during both world wars, the ratio continued to hover around 5 percent until 1960. It then began

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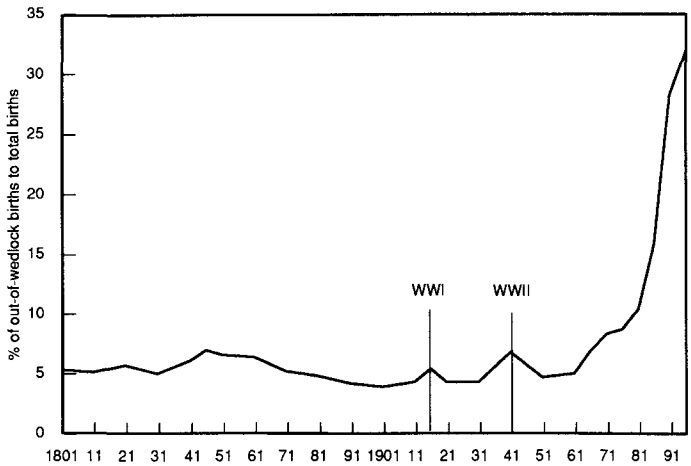
FIGURE ONE
ILLEGITIMACY IN ENGLAND AND WALES, 1801–1992



Source: For 1800–1840: *Bastardy and Its Comparative History*, ed. Peter Laslett, et al. (Cambridge, Mass., 1980); for 1841–1992: United Kingdom Office of Population Censuses and Surveys.

to rise: to over 8 percent in 1970, 12 percent in 1980, and then, precipitously, to more than 32 percent by the end of 1992—a two-and-one-half times increase in the last decade alone and a sixfold rise in three decades. In 1981, a married woman was half as likely to have a child as she was in 1901, while an unmarried woman was three times as likely. (See Figure 1.)

In the United States, the figures are no less dramatic. Starting at 3 percent in 1920 (the first year for which there are national statistics), the illegitimacy ratio rose gradually to slightly over 5 percent by 1960, after which it grew rapidly: to almost 11 percent in 1970, over 18 percent in 1980, and 30 percent by 1991—a tenfold increase from 1920 and a sixfold increase from 1960. For whites alone, the ratio went up only slightly between 1920 and 1960 (from 1.5 percent to a little over 2 percent) and then advanced at an even steeper rate than that of blacks: to almost 6 percent in 1970, 11 percent in 1980, and nearly 22 percent in 1991—fourteen times the 1920 figure and eleven times that of 1960. If the black illegitimacy ratio did not accelerate as much, it was because it started at a higher level: from 12 percent in 1920 to 22 percent in 1960, over 37 percent in 1970, 55 percent in 1980, and 68 percent by 1991. (See Figure 2.)

Teenage illegitimacy has earned the United States the dubious distinction of ranking first among all industrialized nations,

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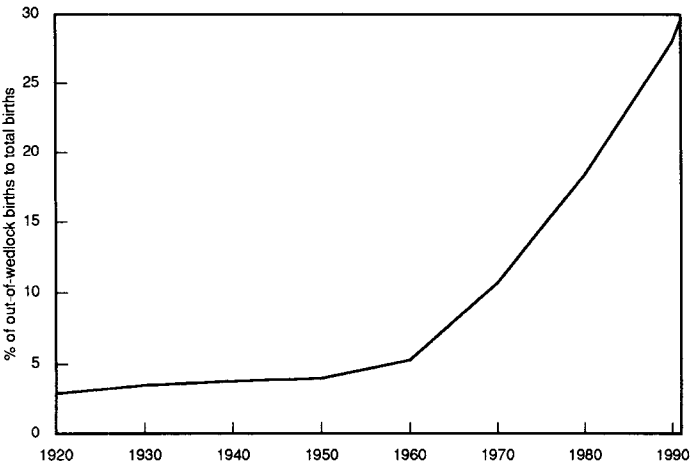
FIGURE TWO
ILLEGITIMACY IN THE UNITED STATES, 1920–1991



Source: For 1920–1930: U.S. Bureau of the Census, *Vital Statistics of the United States, 1940*; for 1940–1991: U.S. Department of Health and Human Services, National Center for Health Statistics.

the rate having tripled between 1960 and 1991. In 1990, one in ten teenage girls got pregnant, half of them giving birth and the other half having abortions. England is second only to the United States in teenage illegitimacy, but the rate of increase in the past three decades has been even more rapid. In both countries, teenagers are far more "sexually active" (as the current expression has it) than ever before, and at an earlier age. In 1970, 5 percent of fifteen year old girls in the United States had had sexual intercourse; in 1988, 25 percent had.

The "moral statistics": crime

Public opinion polls in both England and the United States show crime as the major concern of the people, and for good reason, as the statistics suggest. Again, the historical pattern is dramatic and disquieting. In England between 1857 and 1901, the rate of indictable offenses (serious offenses, not including simple assault, drunkenness, vagrancy, and the like) decreased from about 480 per 100,000 population to 250—a decline of almost 50 percent in four decades. The absolute numbers are even more graphic: while the population grew from about 19 million to 33 million, the number of serious crimes fell from 92,000 to 81,000. Moreover, 1857 was not the peak year; it is

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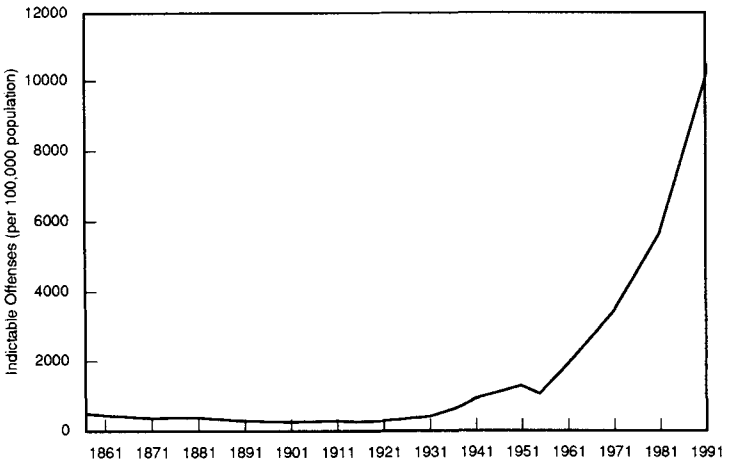
FIGURE THREE
CRIME IN ENGLAND AND WALES, 1857–1991



Source: For 1857–1980: B. R. Mitchell, *British Historical Statistics* (Cambridge, England, 1988), pp. 776–778; for 1981–1991: Home Office *Criminal Statistics*.
Note: I have converted absolute numbers into rate per 100,000 population.

simply the year when the most reliable and consistent series of statistics starts. The decline (earlier statistics suggest) started in the mid or late 1840s—at about the same time as the beginning of the decline in illegitimacy. It is also interesting that just as the illegitimacy ratio in the middle of the century was lower in the metropolis than in the rest of the country, so was the crime rate.

The considerable decrease of crime in England is often attributed to the establishment of the police force, first in London in 1829, then in the counties, and, by 1856, in the country at large. Although this undoubtedly had the effect of deterring crime, it also improved the recording of crime and the apprehension of criminals, which makes the lower crime rates even more notable. One criminologist, analyzing these statistics, concludes that deterrence alone cannot account for the decline, that the explanation has to be sought in "heavy generalizations about the 'civilizing' effects of religion, education, and environmental reform."

The low crime rate persisted until shortly before the First World War when it rose very slightly. It fell during the war and started a steady rise in the mid-twenties, reaching 400 per 100,000 population in 1931 (somewhat less than the 1861 rate) and 900 in 1941. During the Second World War, unlike the First (and

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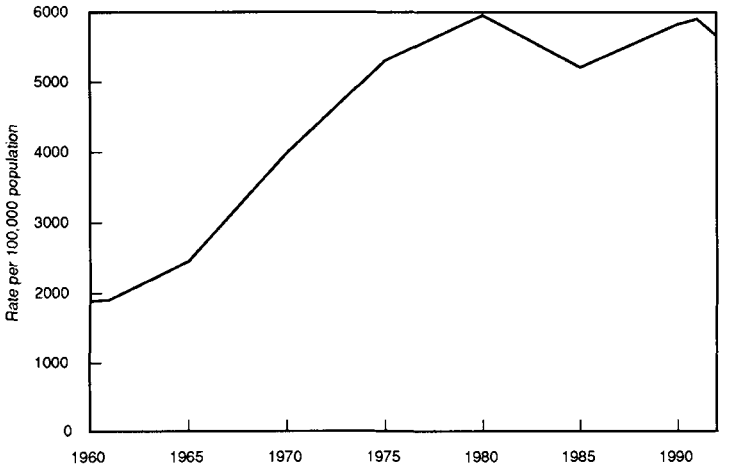
FIGURE FOUR
CRIME IN THE UNITED STATES, 1960–1992



Source: U.S. Department of Justice, Federal Bureau of Investigations.
Note: Because of differences in the definition and reporting of crimes, the American index of crime is not equivalent to the English rate of indictable offenses. They are the only lines in the two countries that are comparable.

contrary to popular opinion), crime increased, levelling off or declining slightly in the early 1950s. The largest rise started in the mid-fifties, from under 1,000 in 1955 to 1,750 in 1961, 3,400 in 1971, 5,600 in 1981, and a staggering 10,000 in 1991—ten times the rate of 1955 and forty times that of 1901. Violent crimes alone almost doubled in each decade after 1950. (See Figure 3.) (On the eve of this rise, in 1955, the anthropologist Geoffrey Gorer remarked upon the extraordinary degree of civility exhibited in England, where "football crowds are as orderly as church meetings." Within a few years, those games became notorious as the scene of mayhem and riots.)

There are no national crime statistics for the United States for the nineteenth century and only partial ones (for homicides) for the early twentieth century. Local statistics, however, suggest that, as in England, the decrease of crime started in the latter part of the nineteenth century (except for a few years following the Civil War) and continued into the early twentieth century. There was even a decline of homicides in the larger cities, where they were most common; in Philadelphia, the rate fell from 3.3 per 100,000 population in mid-century to 2.1 by the end of the century.

National crime statistics became available only in 1960, when the rate was under 1,900 per 100,000 population. That figure

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doubled within the decade and tripled by 1980. A decline in the early 1980s, from almost 6,000 to 5,200, was followed by an increase to 5,800 in 1990; the latest figure, for 1992, is somewhat under 5,700. The rate of violent crime (murder, rape, robbery, and aggravated assault) followed a similar pattern, except that the increase after 1985 was more precipitous and continued until 1992, making for an almost fivefold rise from 1960. In 1987, the Department of Justice estimated that eight of every ten Americans would be a victim of violent crime at least once in their lives. (See Figure 4.)*

Homicide statistics go back to the beginning of the century, when the national rate was 1.2 per 100,000 population. That figure skyrocketed during prohibition, reaching as high as 9.7 by one account (6.5 by another) in 1933, when prohibition was repealed. The rate dropped to between five and six during the 1940s and to under five in the fifties and early sixties. In the mid-sixties, it started to climb rapidly, more than doubling between 1965 and 1980. A decline in the early eighties was followed by another rise; in 1991 it was just short of its 1980 peak. The rate among blacks, especially in the cities, was considerably higher than among whites—at one point in the 1920s as much as eight times higher. In the 1970s and early 1980s, the black rate fell by more than one-fourth (from over 40 to under 30), while the white rate rose by one-third (from 4.3 to 5.6); since then, however, the rate for young black males tripled while that for young white males rose by 50 percent. Homicide is now the leading cause of death among black youths.

For all kinds of crimes the figures for blacks are far higher than for whites—for blacks both as the victims and as the perpetrators of crime. Criminologists have coined the term "criminogenic" to describe this phenomenon:

> In essence, the inner city has become a criminogenic community, a place where the social forces that create predatory criminals are far more numerous and overwhelmingly stronger than the social forces that create virtuous citizens. At core, the problem is that most inner city children grow up surrounded by teenagers and adults who are

*Because of differences in the definition and reporting of crimes, the American index of crime is not equivalent to the English rate of indictable offenses. The English rate of 10,000 in 1991 does not mean that England experienced almost twice as many crimes per capita as America did. It is the trend lines in both countries that are significant, and those lines are comparable.

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themselves deviant, delinquent, or criminal. At best, these teenagers and adults misshape the characters and lives of the young in their midst. At worst, they abuse, neglect, or criminally prey upon the young.

More moral statistics

There are brave souls, inveterate optimists, who try to put the best gloss on the statistics. But it is not much consolation to be told that the overall crime rate in the United States has declined slightly from its peak in the early 1980s, if the violent crime rate has risen in the same period—and increased still more among juveniles and girls (an ominous trend, since the teenage population is also growing). Nor that the divorce rate has fallen somewhat in the past decade, if it had doubled in the previous two decades; if more parents are cohabiting without benefit of marriage (the rate in the United States has increased sixfold since 1970); and if more children are born out of wedlock and living with single parents. (In 1970, one out of ten families was headed by a single parent; in 1990, three out of ten were.) Nor that the white illegitimacy ratio is considerably lower than the black, if the white ratio is rapidly approaching the black ratio of a few decades ago, when Daniel Patrick Moynihan wrote his percipient report about the breakdown of the black family. (The black ratio in 1964, when that report was issued, was 24.5 percent; the white ratio now is 22 percent. In 1964, 50 percent of black teenage mothers were single; in 1991, 55 percent of white teenage mothers were single.)

Nor is it reassuring to be told that two-thirds of new welfare recipients are off the rolls within two years, if half of those soon return, and a quarter of all recipients are on for more than eight years. Nor that divorced mothers leave the welfare rolls after an average of five years, if never-married mothers remain for more than nine years, and unmarried mothers who bore their children as teenagers stay on for ten or more years. (Forty-three percent of the longest-term welfare recipients started their families as unwed teenagers.)

Nor is the cause of racial equality promoted by the news of an emerging "white underclass," smaller and less conspicuous than the black (partly because it is more dispersed) but rapidly increasing. If, as has been conclusively demonstrated, the single-

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parent family is the most important factor associated with the "pathology of poverty"—welfare dependency, crime, drugs, illiteracy, homelessness—a white illegitimacy ratio of 22 percent, and twice that for white women below the poverty line, signifies a new and dangerous trend. In England, Charles Murray has shown, a similar underclass is developing with twice the illegitimacy of the rest of the population; there it is a purely class rather than racial phenomenon.

Redefining deviancy

The English sociologist Christie Davies has described a "U-curve model of deviance," which applies both to Britain and the United States. The curve shows the drop in crime, violence, illegitimacy, and alcoholism in the last half of the nineteenth century, reaching a low at the turn of the century, and a sharp rise in the latter part of the twentieth century. The curve is actually more skewed than this image suggests. It might more accurately be described as a "J-curve," for the height of deviancy in the nineteenth century was considerably lower than it is today—an illegitimacy ratio of 7 percent in England in the mid-nineteenth century, compared with over 32 percent toward the end of the twentieth; or a crime rate of about 500 per 100,000 population then compared with 10,000 now.

In his *American Scholar* essay, "Defining Deviancy Down," Senator Moynihan has taken the idea of deviancy a step further by describing the downward curve of the *concept* of deviancy. What was once regarded as deviant behavior is no longer so regarded; what was once deemed abnormal has been normalized. As deviancy is defined downward, so the threshold of deviancy rises: behavior once stigmatized as deviant is now tolerated and even sanctioned. Mental patients, no longer institutionalized, are now treated, and appear in the statistics, not as mentally incapacitated but as "homeless." Divorce and illegitimacy, once seen as betokening the breakdown of the family, are now viewed more benignly; illegitimacy has been officially rebaptized as "nonmarital childbearing," and divorced and unmarried mothers are lumped together in the category of "single parent families." And violent crime has become so endemic that we have practically become inured to it. The St. Valentine's Day Massacre in Chicago in 1929, when four gangsters killed seven other gang-

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sters, shocked the nation and became legendary, immortalized in encyclopedias and history books; in Los Angeles today, James Q. Wilson observes, as many people are killed every weekend.

It is ironic to recall that only a short while ago criminologists were accounting for the rise of the crime rates in terms of our "sensitization to violence." As a result of the century-long decline of violence, they reasoned, we had become more sensitive to "residual violence"; thus, more crimes were being reported and apprehended. This "residual violence" has by now become so overwhelming that, as Moynihan points out, we are being desensitized to it.

Charles Krauthammer has proposed a complementary concept in his *New Republic* essay, "Defining Deviancy Up." As deviancy is normalized, so the normal becomes deviant. The kind of family that has been regarded for centuries as natural and moral—the "bourgeois" family, as it is invidiously called—is now seen as pathological, concealing behind the facade of respectability the new "original sin," child abuse. While crime is underreported because we have become desensitized to it, child abuse is overreported, including fantasies imagined (often inspired by therapists and social workers) long after the supposed events. Similarly, rape has been "defined up" as "date rape," to include sexual relations that the participants themselves may not at the time have perceived as rape.

The combined effect of defining deviancy up and defining it down has been to normalize and legitimize what was once regarded as abnormal and illegitimate, and, conversely, to stigmatize and discredit what was once normal and respectable. This process, too, has occurred with startling rapidity. One might expect that attitudes and values would lag behind the reality, that people would continue to pay lip service to the moral principles they were brought up with, even while violating those principles in practice. What is startling about the 1960s "sexual revolution," as it has properly been called, is how revolutionary it was, in sensibility as well as reality. In 1965, 69 percent of American women and 65 percent of men under the age of thirty said that premarital sex was always or almost always wrong; in 1972, those figures plummeted to 24 percent and 21 percent. For women over the age of thirty, the figures dropped from 91 percent to 62 percent, and for men from 62 percent to 47

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percent—this in seven short years. Thus language, sensibility, and social policy conspire together to redefine deviancy.

Understanding the causes

For a long time, social critics and policy-makers found it hard to face up to the realities of our moral condition, in spite of the evidence of statistics. They criticized the statistics themselves or tried to explain them away. The crime figures, they said, reflect not a real increase of crime but an increase in the reporting of crime; or the increase is a temporary aberration, a blip on the demographic curve representing the "baby boomers" who would soon outgrow their infantile, antisocial behavior; or criminal behavior is a cry for help from individuals desperately seeking recognition and self-esteem; or crime is the unfortunate result of poverty, unemployment, and racism, to be overcome by a more generous welfare system, a more equitable distribution of wealth, and a more aggressive drive against discrimination.

These explanations have some plausibility. The rise and fall of crime sometimes, but not always, corresponds to the increase and decrease of the age group most prone to criminal behavior. And there is an occasional, but not consistent, relation between crime and economic depression and poverty. In England in the 1890s, in a period of severe unemployment, crime (including property crime) fell. Indeed, the inverse relationship between crime and poverty at the end of the nineteenth century suggests, as one study put it, that "poverty-based crime" had given way to "prosperity-based crime."

In the twentieth century, the correlation between crime and unemployment has been no less erratic. While crime did increase in England during the depression of the 1930s, that increase had started some years earlier. A graph of unemployment and crime between 1950 and 1980 shows no significant correlation in the first fifteen years and only a rough correlation thereafter. The crime figures, a Home Office bulletin concludes, would correspond equally well, or even better, with other kinds of data. "Indeed, the consumption of alcohol, the consumption of ice cream, the number of cars on the road, and the Gross National Product are highly correlated with rising crime over 1950-1980."

The situation is similar in the United States. In the high-unemployment years of 1949, 1958, and 1961, when unemploy-

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ment was 6 or 7 percent, crime was less than 2 percent; in the low-unemployment years of 1966 to 1969, with unemployment between 3 and 4 percent, crime was almost 4 percent. Today in the inner cities there is a correlation between unemployment and crime, but it may be argued that it is not so much unemployment that causes crime as a culture that denigrates or discourages employment, making crime seem more normal, natural, and desirable than employment. The "culture of criminality," it is evident, is very different from the "culture of poverty" as we once understood that concept.

Nor can the decline of the two-parent family be attributed, as is sometimes suggested, to the economic recession of recent times. Neither illegitimacy nor divorce increased during the far more serious depression of the 1930s—or, for that matter, in previous depressions, either in England or in the United States. In England in the 1980s, illegitimacy actually increased more in areas where the employment situation improved than in those where it got worse. Nor is there a necessary correlation between illegitimacy and poverty; in the latter part of the nineteenth century, illegitimacy was significantly lower in the East End of London than in the rest of the country. Today there is a correlation between illegitimacy and poverty, but not a causal one; just as crime has become part of the culture of poverty, so has the single-parent family.

The language of morality

These realities have been difficult to confront because they violate the dominant ethos, which assumes that moral progress is a necessary byproduct of material progress. It seems incomprehensible that in this age of free, compulsory education, illiteracy should be a problem, not among immigrants but among native-born Americans; or illegitimacy, at a time when sex education, birth control, and abortion are widely available. Even more important is the suspicion of the very idea of morality. Moral principles, still more moral judgments, are thought to be at best an intellectual embarrassment, at worst evidence of an illiberal and repressive disposition. It is this reluctance to speak the language of morality, far more than any specific values, that separates us from the Victorians.

Most of us are uncomfortable with the idea of making moral

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judgments even in our private lives, let alone with the "intrusion," as we say, of moral judgments into public affairs. We are uncomfortable not only because we have come to feel that we have no right to make such judgments and impose them upon others, but because we have no confidence in the judgments themselves, no assurance that our principles are true and right for us, let alone for others. We are constantly beseeched to be "nonjudgmental," to be wary of crediting our beliefs with any greater validity than anyone else's, to be conscious of how "Eurocentric" and "culture-bound" we are. *Chacun à son goût*, we say of morals, as of taste; indeed, morals have become a matter of taste.

Public officials in particular shy away from the word "immoral," lest they be accused of racism, sexism, or elitism. When members of the President's cabinet were asked if it is immoral for people to have children out of wedlock, they drew back from that distasteful phrase. The Secretary of Health and Human Services replied, "I don't like to put this in moral terms, but I do believe that having children out of wedlock is just wrong." The Surgeon General was more forthright: "No. Everyone has different moral standards.... You can't impose your standards on someone else."

It is not only our political and cultural leaders who are prone to this failure of moral nerve. Everyone has been infected by it, to one degree or another. A moving testimonial to this comes from an unlikely source: Richard Hoggart, the British literary critic and very much a man of the left, not given to celebrating Victorian values. It was in the course of criticizing a book espousing traditional virtues that Hoggart observed about his own hometown:

> In Hunslet, a working-class district of Leeds, within which I was brought up, old people will still enunciate, as guides to living, the moral rules they learned at Sunday School and Chapel. Then they almost always add, these days: "But it's only my opinion, of course." A late-twentieth-century insurance clause, a recognition that times have changed towards the always shiftingly relativist. In that same council estate, any idea of parental guidance has in many homes been lost. Most of the children there live in, take for granted, a violent, jungle world.

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De-moralizing social policy

In Victorian England, moral principles and judgments were as much a part of social discourse as of private discourse, and as much a part of public policy as of personal life. They were not only deeply ingrained in tradition, they were also imbedded in two powerful strains of Victorian thought: Utilitarianism on the one hand, Evangelicalism and Methodism on the other. These may not have been philosophically compatible, but in practice they complemented and reinforced each other, the Benthamite calculus of pleasure and pain, rewards and punishments, being the secular equivalent of the virtues and vices that Evangelicalism and Methodism derived from religion.

It was this alliance of a secular ethos and a religious one that determined social policy, so that every measure of poor relief or philanthropy, for example, had to justify itself by showing that it would promote the moral as well as the material well-being of the poor. The distinction between pauper and poor, the stigma attached to the "able-bodied pauper," indeed, the word "pauper" itself, today seem invidious and inhumane. At the time, however, they were the result of a conscious moral decision: an effort to discourage dependency and preserve the respectability of the independent poor, while providing at least minimal sustenance for the indigent.

In recent decades, we have so completely rejected any kind of moral calculus that we have deliberately, systematically divorced welfare from moral sanctions or incentives. This reflects in part the theory that society is responsible for all social problems and should therefore assume the task of solving them; and in part the prevailing spirit of relativism, which makes it difficult to pass any moral judgments or impose any moral conditions upon the recipients of relief. We are now confronting the consequences of this policy of moral neutrality. Having made the most valiant attempt to "objectify" the problem of poverty, to see it as the product of impersonal economic and social forces, we are discovering that the economic and social aspects of that problem are inseparable from the moral and personal ones. And having made the most determined effort to devise social policies that are "value free," we find that these policies imperil both the moral and the material well-being of their intended beneficiaries.

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In de-moralizing social policy—divorcing it from any moral criteria, requirements, even expectations—we have demoralized, in the more familiar sense, both the individuals receiving relief and society as a whole. Our welfare system is counterproductive not only because it aggravates the problem of welfare, creating more incentives to enter and remain within it than to try to avoid or escape from it. It also has the effect of exacerbating other, more serious, social problems, so that chronic dependency has become an integral part of the larger phenomenon of "social pathology."

The Supplemental Security Income program is a case in point. Introduced in 1972 to provide a minimum income for the blind, the elderly, and the disabled poor, the program has been extended to drug addicts and alcoholics as the result of an earlier ruling defining "substance abusers" as "disabled" and therefore eligible for public assistance. Apart from encouraging these "disabilities" ("vices," the Victorians would have called them), the program has the effect of rewarding those who remain addicts or alcoholics while penalizing (by cutting off their funds) those who try to overcome their addiction. This is the reverse of the principle of "less eligibility" that was the keystone of Victorian social policy: the principle that the dependent poor be in a less "eligible," less desirable, condition than the independent poor. One might say that we are now operating under a principle of "more eligibility," the recipient of relief being in a more favorable position than the self-supporting person.

Just as many intellectuals, social critics, and policy-makers were reluctant for so long to credit the unpalatable facts about crime, illegitimacy, or dependency, so they find it difficult to appreciate the extent to which these facts themselves are a function of values—the extent to which "social pathology" is a function of "moral pathology" and social policy a function of moral principle.

Victims of the upperclass

The moral divide has become a class divide. The same people who have long resisted the realities of social life also find it difficult to sympathize with those, among the working classes especially, who feel acutely threatened by a social order that they perceive to be in an acute state of disorder. (The very word

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"order" now sounds archaic.) The "new class," as it has been called, is not in fact all that new; it is by now firmly established in the media, the academy, the professions, and the government. In its denigration of "bourgeois values" and the "Puritan ethic," the new class has legitimized, as it were, the values of the underclass and illegitimized those of the working class, who are still committed to bourgeois values, the Puritan ethic, and other such benighted ideas.

In a powerfully argued book, Myron Magnet has analyzed the dual revolution that led to this strange alliance between what he calls the "Haves" and the "Have-Nots." The first was a social revolution, intended to liberate the poor from the political, economic, and racial oppression that kept them in bondage. The second was a cultural revolution, liberating them (as the Haves themselves were being liberated) from the moral restraints of bourgeois values. The first created the welfare programs of the Great Society, which provided counter-incentives to leaving poverty. And the second disparaged the behavior and attitudes that traditionally made for economic improvement—"deferral of gratification, sobriety, thrift, dogged industry, and so on through the whole catalogue of antique-sounding bourgeois virtues." Together these revolutions had the unintended effect of miring the poor in their poverty—a poverty even more demoralizing and self-perpetuating than the old poverty.

The underclass is not only the victim of its own culture, the "culture of poverty." It is also the victim of the upperclass culture around it. The kind of "delinquency" that a white suburban teenager can absorb with relative (only relative) impunity may be literally fatal to a black inner-city teenager. Similarly, the child in a single-parent family headed by an affluent professional woman is obviously in a very different condition from the child (more often, children) of a woman on welfare. The effects of the culture, however, are felt at all levels. It was only a matter of time before there should have emerged a white underclass with much the same pathology as the black. And not only a white underclass but a white upper class; the most affluent suburbs are beginning to exhibit the same pathological symptoms: teenage alcoholism, drug addiction, crime, and illegitimacy.

By now this "liberated," anti-bourgeois ethic no longer seems so liberating. The social realities have become so egregious that

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it is now finally permissible to speak of the need for "family values." President Clinton himself has put the official seal of approval on family values, even going so far as to concede—a year after the event—that there were "a lot of very good things" in Quayle's famous speech about family values (although he was quick to add that the "Murphy Brown thing" was a mistake).

Beyond economic incentives

If liberals have much rethinking to do, so do conservatives, for the familiar conservative responses to social problems are inadequate to the present situation. It is not enough to say that if only the failed welfare policies are abandoned and the resources of the free market released, economic growth and incentives will break the cycle of dependency and produce stable families. There is an element of truth in this view, but not the entire truth, for it underestimates the moral and cultural dimensions of the problem. In Britain as in America, more and more conservatives are returning to an older Burkean tradition, which appreciates the material advantages of a free-market economy (Edmund Burke himself was a disciple of Adam Smith) but also recognizes that such an economy does not automatically produce the moral and social goods that they value—that it may even subvert those goods.

For the promotion of moral values, conservatives have always looked to individuals, families, churches, communities, and all the other voluntary associations that Tocqueville saw as the genius of American society. Today they have more need than ever to do that, as the dominant culture—the "counterculture" of yesteryear—becomes increasingly uncongenial. They support "school choice," permitting parents to send their children to schools of their liking; or they employ private security guards to police their neighborhoods; or they form associations of fathers in inner cities to help fatherless children; or they create organizations like the Character Counts Coalition to encourage "puritan" virtues and family values. They look, in short, to civil society to do what the state cannot do—or, more often, to undo the evil that the state has done.

Yet here too conservatives are caught in a bind, for the values imparted by the reigning culture have by now received the sanction of the state. This is reflected in the official rhetoric

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("nonmarital childbearing" or "alternative lifestyle"), in mandated sexual instruction and the distribution of condoms in schools, in the prohibition of school prayer, in social policies that are determinedly "nonjudgmental," and in myriad other ways. Against such a pervasive system of state-supported values, the traditional conservative recourse to private groups and voluntary initiatives may seem inadequate.

Individuals, families, churches, and communities cannot operate in isolation, cannot long maintain values at odds with those legitimated by the state and popularized by the culture. It takes a great effort of will and intellect for the individual to decide for himself that something is immoral and to act on that belief when the law declares it legal and the culture deems it acceptable. It takes an even greater effort for parents to inculcate that belief in their children when school officials contravene it and authorize behavior in violation of it. Values, even traditional values, require legitimation. At the very least, they require not to be illegitimated. And in a secular society that legitimation or illegitimation is in the hands of the dominant culture, the state, and the courts.

You cannot legislate morality, it is often said. Yet we have done just that. Civil rights legislation prohibiting racial discrimination has succeeded in proscribing racist conduct not only legally but morally as well. Today moral issues are constantly being legislated, adjudicated, or resolved by administrative fiat (by the educational establishment, for instance). Those who want to resist the dominant culture cannot merely opt out of it; it impinges too powerfully upon their lives. They may be obliged, however reluctantly, to invoke the power of the law and the state, if only to protect those private institutions and associations that are the best repositories of traditional values.

The use and abuse of history

One of the most effective weapons in the arsenal of the "counter-counterculture" is history—the memory not only of a time before the counterculture but also of the evolution of the counterculture itself. In 1968, the English playwright and member of Parliament A. P. Herbert had the satisfaction of witnessing the passage of the act he had sponsored abolishing censorship on the stage. Only two years later, he complained that what

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had started as a "worthy struggle for reasonable liberty for honest writers" had ended as the "right to represent copulation, veraciously, on the public stage." About the same time, a leading American civil liberties lawyer, Morris Ernst, was moved to protest that he had meant to ensure the publication of Joyce's *Ulysses*, not the public performance of sodomy.

In the last two decades, the movements for cultural and sexual liberation in both countries have progressed far beyond their original intentions. Yet, few people are able to resist their momentum or to recall their initial principles. In an unhistorical age such as ours, even the immediate past seems so remote as to be antediluvian; anything short of the present state of "liberation" is regarded as illiberal. And in a thoroughly relativistic age such as ours, any assertion of value—any distinction between the publication of *Ulysses* and the public performance of sodomy—is thought to be arbitrary and authoritarian.

It is in this situation that history may be instructive, to remind us of a time, not so long ago, when all societies, liberal as well as conservative, affirmed values very different from our own. (One need not go back to the Victorian age; several decades will suffice.) To say that history is instructive is not to suggest that it provides us with models for emulation. One could not, even if one so desired, emulate a society—Victorian society, for example—at a different stage of economic, technological, social, political, and cultural development. Moreover, if there is much in the ethos of our own times that one may deplore, there is no less in Victorian times. Late-Victorian society was more open, liberal, and humane than early-Victorian society, but it was less open, liberal, and humane than most people today would think desirable. Social and sexual discriminations, class rigidities and political inequalities, autocratic men, submissive women, and overly disciplined children, constraints, restrictions, and abuses of all kinds—there is enough to give pause to the most ardent Victoriaphile. Yet there is also much that might appeal to even a modern, liberated spirit.

Victorian lessons

The main thing the Victorians can teach us is the importance of values—or, as they would have said, "virtues"—in our public as well as private lives. The Victorians were, candidly and proudly,

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"moralists." In recent decades, that has almost become a term of derision. Yet, contemplating our own society, we may be prepared to take a more appreciative view of Victorian moralism—of the "Puritan ethic" of work, thrift, temperance, cleanliness; of the idea of "respectability" that was as powerful among the working classes as among the middle classes; of the reverence for "home and hearth"; of the stigma attached to the "able-bodied pauper," as a deterrent to the "independent" worker; of the spirit of philanthropy which made it a moral duty on the part of the donors to give not only money but their own time and effort to the charitable cause, and a moral duty on the part of the recipients to try to "better themselves."

We may even be on the verge of assimilating some of that moralism into our own thinking. It is not only "values" that are being rediscovered but "virtues" as well. That long neglected word is appearing in the most unlikely places: in books, newspaper columns, journal articles, and scholarly discourse. An article in the *Times Literary Supplement,* reporting on a spate of books and articles from "virtue revivalists" on both the right and the left of the political spectrum, observes that "even if the news that Virtue is back is not in itself particularly exciting to American pragmatism, the news that Virtue is good for you most emphatically is." The philosopher Martha Nussbaum, reviewing the state of Anglo-American philosophy, focuses upon the subject of "Virtue Revived," and her account suggests a return not to classical ethics but to something very like Victorian ethics: an ethics based on "virtue" rather than "principle," on "tradition and particularity" rather than "universality," on "local wisdom" rather than "theory," on the "concreteness of history" rather than an "ahistorical detached ethics."

If anything was lacking to give virtue the imprimatur of American liberalism, it was the endorsement of the White House, which came when Hillary Rodham Clinton declared her support for a "Politics of Virtue." If she is notably vague about the idea (and if, as even friendly critics have pointed out, some of her policies seem to belie it), her eagerness to embrace the term is itself significant.

In fact, the idea of virtue has been implicit in our thinking about social policy even while it was being denied. When we speak of the "social pathology" of crime, drugs, violence, illegiti-

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macy, promiscuity, pornography, illiteracy, are we not making a moral judgment about that "pathology"? Or when we describe the "cycle of welfare dependency," or the "culture of poverty," or the "demoralization of the underclass," are we not defining that class and that culture in moral terms and finding them wanting in those terms? Or when we propose to replace the welfare system by a "workfare" system, or to provide "role models" for fatherless children, or to introduce "moral education" into the school curriculum, are we not testifying to the enduring importance of moral principles that we had, surely prematurely, consigned to the dustbin of history? Or when we are told that organizations are being formed in black communities to "inculcate values" in the children and that "the concept of self-help is reemerging," or that campaigns are being conducted among young people to promote sexual abstinence and that "chastity seems to be making a comeback," are we not witnessing the return of those quintessentially Victorian virtues?

The present perspective

It cannot be said too often: No one, not even the most ardent "virtue revivalist," is proposing to revive Victorianism. Those "good-old"/"bad-old" days are irrevocably gone. Children are not about to return to that docile condition in which they are seen but not heard, nor workers to that deferential state where they tip their caps to their betters (a custom that was already becoming obsolete by the end of the nineteenth century). Nor are men and women going to retreat to their "separate spheres"; nor blacks and whites to a state of segregation and discrimination. But if the past cannot—and should not—be replicated, it can serve to put the present in better perspective.

In this perspective, it appears that the present, not the past, is the anomaly, the aberration. Those two powerful indexes of social pathology, illegitimacy and crime, show not only the disparity between the Victorian period and our own but also, more significantly, the endurance of the Victorian ethos long after the Victorian age—indeed, until well into the present century. The 4 to 5 percent illegitimacy ratio was sustained (in both Britain and the United States) until 1960—a time span that encompasses two world wars, the most serious depression in modern times, the traumatic experiences of Nazism and Communism, the growth of

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a consumer economy that almost rivals the industrial revolution in its moral as well as material consequences, the continuing decline of the rural population, the unprecedented expansion of mass education and popular culture, and a host of other economic, political, social, and cultural changes. In this sense "Victorian values" may be said to have survived not only the formative years of industrialism and urbanism but some of the most disruptive experiences of our times.

It is from this perspective, not so much of the Victorians as of our own recent past, that we must come to terms with such facts as a sixfold rise of illegitimacy in only three decades (in both Britain and the United States),* or a nearly sixfold rise of crime in England and over threefold in the United States, or all the other indicators of social pathology that are no less disquieting. We are accustomed to speak of the sexual revolution of this period, but that revolution, we are now discovering, is part of a larger, and more ominous, moral revolution.

A society's ethos

The historical perspective is also useful in reminding us of our gains and losses—our considerable gains in material goods, political liberty, social mobility, racial and sexual equality—and our no less considerable losses in moral well-being. There are those who say that it is all of a piece, that what we have lost is the necessary price of what we have gained. ("No pain, no gain," as the motto has it.) In this view, liberal democracy, capitalism, affluence, and modernity are thought to carry with them the "contradictions" that are their undoing. The very qualities that encourage economic and social progress—individuality, boldness, the spirit of enterprise and innovation—are said to undermine conventional manners and morals, traditions and authorities. This echoes a famous passage in *The Communist Manifesto*:

*The present illegitimacy ratio is not only unprecedented in the past two centuries; it is unprecedented, so far as we know, in American history going back to colonial times, and in English history from Tudor times. The American evidence is scanty, but the English is more conclusive. English parish records in the mid-sixteenth century give an illegitimacy ratio of 2.4 percent; by the early seventeenth century it reached 3.4 percent; in the Cromwellian period it fell to 1 percent; during the eighteenth century it rose from 3.1 percent to 5.3 percent; it reached its peak of 7 percent in 1845, and then declined to under 4 percent by the end of the nineteenth century. It is against this background that the present rate of 32 percent must be viewed.

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> The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his "natural superior," and has left no other bond between man and man than naked self-interest, than callous "cash payment." ... The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation to a mere money relation.

Marx was as wrong about this as he was about so many things. Victorian England was a crucial test case for him because it was the first country to experience the industrial-capitalist-bourgeois revolution in its most highly developed form. Yet, that revolution did not have the effects he attributed to it. It did not destroy all social relations, tear asunder the ties that bound man to man, strip from the family its sentimental veil, and reduce everything to "cash payment" (the "cash nexus," in other translations). It did not do this, in part because the free market was never as free or as pervasive as Marx thought (laissez faire, historians now agree, was less rigorous, both in theory and in practice, than was once supposed); and in part because traditional values and institutions continued to play an important role in society, even in those industrial and urban areas most affected by the economic and social revolution.

Industrialism and urbanism—"modernism," as it is now known—so far from contributing to the de-moralization of the poor, seem to have had the opposite effect. At the end of the nineteenth century, England was a more civil, more pacific, more humane society than it had been in the beginning. "Middle-class" manners and morals had penetrated into large sections of the working classes. The traditional family was as firmly established as ever, even as women began to be liberated from their "separate sphere." And religion continued to thrive, in spite of the premature reports of its death.

If Victorian England did not succumb to the moral and cultural anarchy that are said to be the inevitable consequences of economic individualism, it is because of a powerful ethos that kept that individualism in check. For the Victorians, the individual, or "self," was the ally rather than the adversary of society. Self-help was seen in the context of the community as well as the family; among the working classes, this was reflected in the virtue of "neighbourliness," among the middle classes, of philanthropy. Self-interest stood not in opposition to the general

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interest but, as Adam Smith had it, as the instrument of the general interest. Self-discipline and self-control were thought of as the source of self-respect and self-betterment; and self-respect as the precondition for the respect and approbation of others. The individual, in short, was assumed to have responsibilities as well as rights, duties as well as privileges.

That Victorian "self" was very different from the "self" that is celebrated today. Unlike "self-help," "self-esteem" does not depend upon the individual's actions or achievements; it is presumed to adhere to the individual regardless of how he behaves or what he accomplishes. Moreover, it adheres to him regardless of the esteem in which he is held by others, unlike the Victorian's self-respect which always entailed the respect of others. The current notions of self-fulfillment, self-expression, and self-realization derive from a self that does not have to prove itself by reference to any values, purposes, or persons outside itself—that simply is, and by reason of that alone deserves to be fulfilled and realized. This is truly a self divorced from others, narcissistic and solipsistic.

This is the final lesson we may learn from the Victorians: that the ethos of a society, its moral and spiritual character, cannot be reduced to economic, material, political, or other factors, that values—or, better yet, virtues—are a determining factor in their own right; so far from being a "reflection," as the Marxist says, of the economic realities, they are themselves, as often as not, the crucial agent in shaping those realities. If in a period of rapid economic and social change, the Victorians showed a substantial improvement in their "condition" and "disposition," it may be that economic and social change do not necessarily result in personal and public disarray. If they could retain and even strengthen an ethos that had its roots in religion and tradition, it may be that we are not as constrained by the material conditions of our time as we have thought. A post-industrial economy, we may conclude, does not necessarily entail a postmodernist society or culture, still less a de-moralized society or culture.

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A new era for public utilities

IRWIN STELZER

THE ELECTRIC UTILITY industry has come a long way since the early 1970s. The idea that its pricing structures should be based on economic principles, rather than merely reflect attempts to cross-subsidize this or that politically potent customer group, is now widely accepted. The need to include externalities—environmental and other costs incident to power production—in prices is no longer contested; indeed, the problem now is the infinite ingenuity displayed by environmentalists in discovering externalities, and the creative methods developed to magnify them. The idea that competition, where feasible, produces more efficient results than does regulation is contested only by those whose affinity for central planning blinds them to the recent experience of both nations and industries. And the view that capital cannot be conscripted, either by utility executives with wild plans for investing in non-competitive new (mostly nuclear) facilities, or by regulators who would like to transfer wealth from shareholders to customers, is unchallenged—at least in principle.

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But the furor created by the California Public Utility Commission's recent heroic effort to introduce full-blown competition into the electric business, so that customers can choose their electricity suppliers as easily as they now select a long-distance telephone carrier, shows that more, much more, remains to be done before a proper balance is struck between regulation and competition, and before such regulation as remains necessary is revamped to comport with modern technology and sound economic principles. This is true, too, in the telecommunications industry, where fierce competition in some segments exists side-by-side with residual market power in others.

Electric utilities

Like the airline, telecommunications, and natural gas industries before it, the electric utility industry has watched the erosion of the monopoly power conferred upon it by virtue of its franchises. True, some companies always faced franchise competition, pursuant to which their right to serve an area might be transferred to a rival, but those were considered unfortunate sports who had to pay some price for living in the otherwise wonderful Pacific Northwest. True, too, interfuel competition for markets such as home heating and cooking could not be ignored. But direct electric company versus electric company rivalry was minimal, leaving utilities free, first, to concentrate their efforts on persuading regulators to allow rate increases or, in the glory days, defer rate decreases; and, second, to resist the efforts of environmentalists to drive up their costs. This resistance, it should be noted, crumbled when utilities formed an unholy alliance with environmentalists, agreeing to sponsor uneconomic environmental programs in return for the right to pass those costs on to unknowing customers.

So things went along quite nicely. The industry was run by central planners—utility dispatchers sitting in front of computer screens, sending power hither and yon in the manner of the Soviet Union's Gosplan commissars. Competition was of little real concern and environmentalists were more or less content. Regulators, to be sure, were a mixed bag, some bright, some not so; but generally, they could be tolerated so long as utility share prices remained in excess of book values.

Enter competition. Or, more precisely, try to enter.

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Emboldened by experience in other industries, swept up by the intellectual elegance of the arguments for deregulation, and mindful that the race seemed to be going to the swift and flexible, policy makers could see no reason why sauce for the airline and gas geese was not sauce for the electric gander. So federal and state regulators began to pressure utilities to allow competitors to vie for their customers, to open up their monopoly transmission to rivals, thus providing newcomers with access to customers heretofore locked into a single supplier.

It matters little whether or not regulators were correct in assuming that competition would eventually lower rates; the decision to inject competition into the electric utility business has been taken. And irrevocably: large users of power combine with potential new suppliers of electricity to form a powerful constituency for more open markets. The question is no longer whether partially open markets will become fully competitive, but when and how.

Some are arguing for what University of Florida Professor Sanford Berg calls "a managed transition during which participants in the market are 'protected' from competition." This call to go slow comes from diverse sources: (1) the industry, which with some justice feels it undertook long-lived investments to meet its obligations to serve all customers, pursuant to an implicit regulatory commitment that it would be permitted to recover that investment and a reasonable return; (2) the environmentalists, who fear that if competition is allowed, customers will flee the costs imposed on utilities by often uneconomic environmental programs, and instead buy power from lower-cost suppliers (echoes here of the Gore-Reich desire to impose U.S. labor and environmental standards on our trading partners); (3) some regulators, who fear that only large customers will be in a position to respond to competitive choices, with small, captive, residential customers then required to pay for the so-called "stranded investment"; (4) the unions, who see the fruits of bilateral monopoly—we raise wages, utilities raise rates, the captive customer pays—disappearing; (5) some observers who fear that the prospect of too-speedy a transition will cause the industry to dig in its heels, and resist change that it would have otherwise accepted, and at less cost to shareholders; and (6) many utility planners, who fear that competitive markets are an

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inadequate substitute for the joint planning and coordination that has permitted the industry to provide an assured supply of reasonably priced power to all comers for generations.

The pressure to move faster comes from an equally diverse assortment of characters. Representatives of large industrial customers, ever alert to an argument—any argument—that might produce lower rates for their constituents, want the freedom to exercise the choices technology is making available. Utilities with low costs, sensing an opportunity to make incursions into neighbors' markets, are also eager for access to the transmission and distribution facilities of their neighbors, although many are a bit coy about discussing their willingness to pay an economic price for such access. Independent power producers, or at least some of them, also favor immediate competitive access to the utilities' transmission and distribution wires.

Underlying this issue of timing is the specter of stranded investment, of what Berg calls the problem of "sunk costs and the regulatory transition." Technological advances in generating equipment and low prices for natural gas, the fuel of choice of most new power producers (known in the trade as independent power producers, or IPPs), combine to enable new entrants to generate power at a fraction of the cost of that produced in many utility plants. If customers were free to buy this cheaper power, the utilities that now serve them would be saddled with the undepreciated (or stranded) investment in nuclear and other generating plants to the tune of somewhere between $10 billion and $200 billion, according to the Federal Energy Regulatory Commission (FERC). That prospect has already battered utility share prices and forced a few large utilities to cut their dividends. This, in turn, has prompted utilities to demand that departing customers pay "exit fees," and remaining customers higher rates, to cover the unrecovered costs of abandoned plants.

Such a policy of shielding investors from the consequences of the utilities' decisions to invest in facilities that have become uneconomic strikes many as outrageous. To which complaints utilities respond that their investments in these plants were made pursuant to an obligation to serve all customers who desire service, and were approved at the time by regulators who implicitly promised them the opportunity to recover that investment, along with a fair profit.

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Regulation lives on

The problem of determining the optimum rate of transition to a more competitive regime, and of coming up with an appropriate treatment of stranded investment, are only two of the many problems that policy makers are puzzling over. Another is the efficient blend of competition and regulation in the electric supply industry of the future. For no one assumes that competition in the transmission and distribution of electricity—the so-called "wires" end of the business—will soon be sufficiently vigorous to permit regulators to fold their tents and silently steal away, in the manner of Longfellow's Arabs. So regulation will remain with us, but in a new form.

For one thing, regulators and utilities will no longer be in a position to appease environmentalists by adopting their pet programs and then passing the costs on to consumers, concealed in their electric bills. Competition from out-of-state new entrants, unburdened by these costs, won't permit such a policy—unless, of course, regulators are willing to put an environmental surtax on the use of transmission and distribution lines.

For another, existing utilities, until now unable to change most rates without lengthy hearings, will have to be given the flexibility to meet competition lest they become sitting ducks for new power providers, and the flexibility to refuse to serve large customers who do not contract to stay with the utility long enough to make it profitable to provide the facilities that customers need.

Most important, if customers are to gain the benefits of competition in the generating end of the business, and competitors are to be granted access to the utilities' wires, they must pay an economic price for the use of those wires—their current replacement cost. Otherwise, utilities will have no incentive to expand those facilities when the need arises.

In short, an economical and equitable solution to the industry's problems exists: competition should be allowed to force the write-down of generation assets, which should be accompanied by a parallel controlled write-up of transmission and distribution assets to current economic values. What the combined effect of this pricing-to-market of all a utility's assets would be is difficult to predict. But it should satisfy investors' sense of fairness, and set a sound basis for future competition among power suppliers,

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removing artificial barriers to entry in generation, and placing correct economic values on electricity transport systems.

Is any such scheme likely to evolve from the current turmoil? Past experience suggests the answer is "yes." In the 1970s, economists' arguments prevailed and utility rate structures were overhauled to comport with the economic realities. In the 1980s, despite opposition, environmental costs were included in rates. And in the 1990s, trading in pollution permits began. All of these advances were derided when originally proposed. But regulatory systems can withstand just so much battering from technological and economic forces before they wither away, as in airlines, or are radically reformed, as I suspect they will be in the case of electric utilities.

How to get to a world of symmetrical competitive opportunity and revamped regulation? The first steps are already being taken at universities such as Harvard, and think tanks such as the American Enterprise Institute (AEI). Regulatory change rarely results from a single, blinding insight, suddenly accepted by regulators. Rather, it is the result of an on-going process of interchange between the academy, the regulatory community, interveners, and the industry. Ideas are tried out, rebutted, argued over, and refined. Then, and only then, do the necessary changes get adopted. Fortunately, that intellectual debate is under way. Fortunately, too, the contours of a solution are visible: link open access to utility wires to a process of regulatory reform, and bring the prices of each component—generation, transmission, and distribution—more closely into line with the current economic cost of providing each service.

Telecommunications

There is a sense in which the turmoil in the telecommunications industry is greater even than that in the electric business. Part of this is the result of a technological revolution that is obliterating the lines that have separated five of the world's largest industries: computing, communications, consumer electronics, publishing, and entertainment. Telephone companies can offer video services, cable companies can provide telephone service, newspapers are becoming available on the screens of personal computers, books are published both in traditional print formats and on tape, television sets are becoming so clever that

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they will soon be indistinguishable from computers.

This convergence of once-separate industries has profound consequences both for the companies that operate in them, and for government policy. For government, the message is clear: regulations based on artificially maintaining lines of demarcation that technology has erased will be counterproductive. Telephone companies, facing competition from cable companies, would like the opportunity of returning the favor. Television is competing with newspapers to provide the public with news and advertising information; newspapers would like the opportunity to respond by participating in the electronic delivery of the product they have historically delivered in the form of newsprint. To prevent such competition is to deny the public the added choice that competition brings, and to prevent the free flow of capital between industry segments as companies pursue the proliferating opportunities made available by technology.

Convergence is but one aspect of the telecommunications revolution. The possibility of interactivity—the transformation of the television set from "idiot box to information appliance," as the *Economist* graphically puts it—is another. True, no one yet knows what the market for interactive television will be: whether consumers will prefer shopping from the couch to visiting the local mall, or care to control camera angles at sporting events, or be eager to transmit their opinions to television panels of politicians or pundits.

Though Ted Turner is skeptical about the extent of these new markets, the *Economist* is not: the "timid, incredulous nay-sayers are wrong," it says. But no one denies that the potential for an enormous shift in power to consumers exists; that only foolhardy or excessively risk-averse media companies can fail to invest in this market; that the skills now resident in separate sectors of the telecom/media industry will somehow have to work together to make it happen; and that government would do a disservice were it to adopt regulations that have the effect of denying consumers the opportunity of shopping at home, or of calling up videos on demand.

Add to convergence and interactivity the advances in fiber optic cable and digitalization, and it is not unreasonable to argue that the age of scarcity is over. Digitalization and its companion technology, compression, will permit a proliferation of over-the-

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air and cable channels. This, in turn, removes the need for government to allocate a limited spectrum, or to regulate prices of telecom services.

In addition to the end of scarcity, we can foresee an end to monopoly power: all monopoly positions in telecommunications seem to be under siege. Wireless cable operators are optimistic that wired cable companies are vulnerable to competition. Cable is also threatened by direct-to-home satellite broadcasting and, perhaps, by directly competitive "over-builds," which pose a threat of sufficient magnitude to prompt TCI to seek a court order to prevent a competitive cable operator from overbuilding its system in Connecticut. Local telephone companies worry that their wires will become obsolete as wireless telephony spreads; over-the-air broadcasters can, with compression, convert a single channel into many, enabling them to compete more fully with cable, which also worries about wireless program delivery and video-on-demand services being developed by regional Bell operating companies.

All eyes are on Great Britain, where American telephone and cable companies are building cable systems that offer both telephone and home entertainment services, a harbinger of things to come on this side of the Atlantic. Meanwhile, lurking in the wings are the electric utilities, "the nation's second largest owner and user of communications assets," and holder of millions of miles of rights-of-way.

Consumer protection

Why, then, even consider whether some form of on-going regulation is required in the media business? Because the above sketch is more a description of things to come than of the present competitive situation. It is a depiction of what will, many say, some day likely be the case.

But these future developments may also be what a labor leader, once asked to defer his present demands in return for even greater benefits in the future, described as "pie in the sky in the sweet by-and-by." Some, such as the Brookings Institution's Robert Crandall and Kenneth Flamm, question whether there will indeed be meaningful competition between, say, large computer companies and long distance communications carriers.

Others, such as New York University's William Baumol and

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AEI's J. Gregory Sidak, point out that local telephone companies, although subject to increasing competition, will continue to provide "monopoly services [that] constitute inputs for the activities of the rivals of these firms in other arenas—inputs without which the rivals cannot hope to operate," and therefore cannot be allowed "to operate completely without regulatory constraint." Still others, such as Indiana University's David Waterman and University of Southern California's Andrew Weiss, note that large, multi-city cable companies use their monopoly power as distributors to favor programming produced by suppliers in which they have an ownership interest.

In short, there are two problems with the rosy, competitive scenario laid out above. One is that it may prove to be wrong. After all, "the history of communications is strewn with failed predictions regarding the direction of technology," according to the Council on Competitiveness. Witness Western Union's famous conclusion, in 1882, that Alexander Graham Bell's plan to wire America "is utterly out of the question," and mighty Japan's wrong guess that analog rather than digital technology was the path to high definition television (HDTV). So we can't be certain of predictions that existing monopoly positions are, indeed, likely to wither away in the face of advancing, cost-effective technology.

Second, there is the question of timing. Perhaps the "Chicago school of economics" is right and all monopoly positions are transitory. But if the transition is lengthy—and Viacom International President Frank Biondi estimates that it will be seven to ten years before 60 per cent of homes have access to a range of options on the information superhighway—consumers could pay dearly if regulatory mechanisms are scrapped too soon, or if new ones are not devised as needed.

Cable regulation is a case in point. No one can enjoy seeing government impose price controls on an industry, especially one that only recently escaped from the grasp of municipal regulators. These regulators often saw the franchising process as a method of imposing hidden taxes on voters who would, if they knew what was going on, reject such levies. But cable companies, the eventual contestability of their markets notwithstanding, somehow managed to establish a reputation for extortionate rates and, more importantly, for appalling service, just when

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over-the-air broadcasting began to be seen as a less and less attractive competitive alternative. Consumers without what they deem to be realistic competitive alternatives, and abused by their service providers, quickly become voters demanding regulatory protection. And, in the case of cable, they got what they asked for.

So, while we await the development of effective competition from telephone companies, from direct-to-home (DTH) satellite companies that are promising to deliver 150 channels to an 18-inch dish, and from over-the-air broadcasters, cable rates and service are to be regulated—to prevent abuse of consumers but, one hopes, without at the same time destroying the cable companies' incentives to invest in new programming and new technologies. The FCC, wrestling with a new and substantial administrative burden not of its own making, has chosen a combination of cost-of-service regulation and competitive benchmarking which is not without economic sense, and which will provide the stuff of doctoral dissertations for years to come.

But regulation, even properly conceived, remains an unsatisfactory alternative to competition, something the FCC apparently recognizes. Reed Hundt, chairman of the FCC, assured an audience at a recent media conference: "When competition comes, and it will come soon, rate regulation in competitive markets will disappear." As Hundt must know, it is often difficult to repeal obsolete regulations—but at least his heart is in the right place.

Common lessons learned

This very brief review of issues in telecommunications regulation dramatizes the similarities with the issues confronted in regulating the electric utility industry. Non-integrated program providers need access to the wires of the vertically integrated cable companies with which they also compete, just as non-integrated power producers need access to the wires of the utilities with which they compete. How to assure such access, and on reasonable, non-discriminatory terms? Can this be left to markets in which the cable companies and the electric utilities each have significant market power, or is regulation necessary? Alternatively, if the market is insufficiently competitive, but regulation excessively cumbersome and costly, is mandated vertical

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disintegration the most efficient solution? In short, as with the electric supply industry, so, too, with telecoms: the issue is access.

Another similarity leaps to mind. Electric utility executives argue with great passion and some justification that their shareholders should not bear the cost of investment that has been "stranded" by a sea-change in regulatory policy—a shift from a system of franchise monopolies to one of open competition. Cable company officials find themselves in the midst of a policy shift in the opposite direction, from unregulated rates to rates subject to review and, as it turns out, roll-back by the Federal Communications Commission.

Some would argue that it is irrelevant that cable companies brought this on themselves: "Cable was its own worst enemy," the president of the U.S. Telephone Association, asserts. Perhaps. But only companies with substantial market power, operating in markets that are not truly contestable, would be in a position to roll up the unparalleled record of customer abuse that cable companies visited upon the public.

To argue that such abuse is irrational, and will inevitably invite competitive entry, is to argue that executives such as TCI's John Malone, the acknowledged industry leader, are irrational, or short-sighted—an argument that would certainly be rejected by a jury of Mr. Malone's peers. It seems more plausible that cable companies were emboldened by the fact that they were operating in an age of deregulation. Certain that such competition as they undeniably faced from video rentals, cinema exhibition, over-the-air broadcasting, and telcom entry would prove nettlesome but not disabling, they, like Plunkitt of Tammany Hall, "seen their opportunities and took 'em." They never foresaw that their vulnerability was political, not economic, and that regulation of cable rates was perfectly possible in this era of airline, gas, and electric deregulation.

The nine commandments

It is issues such as these that currently bedevil policy makers. In attempting to concoct the appropriate mix of regulation and competition, policy makers at least start with a storehouse of intellectual capital, accumulated over past decades of wrestling with similar problems in airlines and natural gas. Nine items in

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that storehouse should prove particularly valuable (only one short of a set of ten commandments for policy makers):

I. Regulation is inferior to competition, where the latter is feasible, in producing a range of reasonably priced goods and services.

II. But regulation remains a necessary tool of public policy where competition is ineffective and market contestability a mere gleam in technologists' eyes.

III. For reasons we don't yet fully understand, economies of scale are a less significant factor in many industries than they once were, either because inefficiencies inherent in large organizations more than offset the benefits of big machines, or because technology is turning big machines and big companies into economic dinosaurs.

IV. This means that there are fewer "natural monopolies" than we thought there were some 20 years ago.

V. Vertical integration seems to have less economic justification than it once did, perhaps because computers have improved inventory control techniques sufficiently to make manufacturers more relaxed about relying on outside suppliers, perhaps because we have learned a great deal about creating efficient markets.

VI. But vertical integration in electricity and telecommunications markets persists, and is an increasing impediment to equal access to delivery systems and to effective competition from new entrants.

VII. In an era of rapid change, recorded accounting values are often mere fictions, whether they purport to tell us the value of a bank's portfolio, the asset value of a company with popular branded products, or the asset value of a company that owns large generating stations.

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VIII. We always seem to underestimate the elasticity of demand—witness our failure to predict the explosive response of air travel to low, competitive rates, or the reduction of electricity consumption that followed the rate increases of the 1970s.

IX. We know less than we once thought we did about how to manage transitions, whether they be from communism to capitalism, or from monopoly to competition.

It is this latter gap in our knowledge—how to manage a transition from regulation to competition in the electric industry, and how to make sure that an unregulated monopolist does not set up a toll booth on the information superhighway—that policy makers are attempting to fill. We can only hope their conclusions will be a bit more sensible, and consistent, than those reached by advisers to countries attempting the difficult transition from centrally planned to market economics.

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School choice slandered

DANIEL MCGROARTY

THE WAR OVER private school choice is entering what might be called a paradoxical phase. As the number of cities and states debating some variant of vouchers proliferates, hard evidence of vouchers' effect rides on the outcome of an experiment limited thus far to 1 percent of the student population in just one city.

The focus of this intense interest is the four-year-old Milwaukee Parental Choice Program, the political progeny of welfare mother turned state legislator Polly Williams, now nationally known as a school choice pioneer.

There is no one-size-fits-all approach to private school choice. Some proposed programs would extend vouchers to all students, regardless of family income or present enrollment in private and even religious schools; others are more tightly focused, targeted to help low-income families, with eligibility of students whose private-school enrollment predates the voucher plan either phased-in over several years or prohibited altogether.

Milwaukee's program falls on the targeted end of the spectrum. It is means-tested. Eligible families can have incomes no

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higher than 175 percent of the poverty level, a condition met by a majority of families with children in the Milwaukee Public Schools (MPS). Only children enrolled in public schools or entering kindergarten can receive vouchers; children already enrolled in private schools are not eligible. Choice students receive vouchers—for 1993-1994, worth just over $2,900, the state's share of Milwaukee's per pupil expenditure—accepted as tuition in full at one of twelve private non-sectarian schools located within Milwaukee city limits.

The number of children in the Choice program has grown each year, from 341 in 1990-1991, to 733 in 1993-1994; beginning September 1994, the state legislature has authorized the cap on the program to rise to 1.5 percent of Milwaukee's 100,000 school-aged population, or 1500 students. Choice schools must limit voucher students to 49 percent of their student body (65 percent beginning in 1994-1995), further limiting the number of "seats" available. In the four years since its inception, the lack of space has resulted in more children being turned away than have been accepted into the program. As a result, spaces are apportioned by lottery.

Despite its small size and short duration, Milwaukee's Parental Choice Program is radical in one sense: it remains the United States' only publicly-financed private school choice experiment (one was begun in Puerto Rico in 1993 but was ruled unconstitutional in April 1994; a group of parents has petitioned the Puerto Rican Supreme Court on appeal). Indeed, while the low-income families participating in the Parental Choice Program are largely oblivious to the fact, their children's novel education experience frequently figures into referenda wars and legislative battles far beyond Milwaukee's impoverished Near North Side. Success or failure, Milwaukee's micro-program will have an outsized impact on the national education voucher debate.

With all that hinges on the Milwaukee experiment, we might expect to discover teams of researchers roaming the halls of Choice schools. The reality is far different. Most of the opinions on Milwaukee, and a majority of the criticism, amount to "received wisdom," borrowed from the studies of one man: John F. Witte, professor of political science at the University of Wisconsin-Madison, and state-selected outside evaluator of the Parental Choice Program. From the publication of Witte's First Year Report in November 1991 to his most recent in December 1993,

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the public education establishment has drawn from his data ammunition in its campaign against school choice.

Echo effect

The result is a sort of echo effect. What appears to be a chorus of voucher critics amounts, upon examination, to a kind of scholarly ventriloquism. Commentators who share a common antipathy toward vouchers parrot the partial findings of one examiner.

The oft-quoted 1992 Carnegie Foundation Special Report on School Choice provides a case in point. Released one week before the 1992 Presidential election, Carnegie's findings, harshly critical of vouchers in general and Milwaukee in particular, played page one in the *New York Times*. On Milwaukee, Carnegie was categorical: "Milwaukee's plan has failed to demonstrate that vouchers can, in and of themselves, spark school improvement...." And, "Inflated promises have outdistanced reality in Milwaukee." Carnegie's chapter on the Milwaukee voucher program leans heavily on Witte, citing him in six of thirteen footnotes.

The echo effect becomes evident later. In April 1994, as Texas gears up for a 1995 voucher battle, the Texas State Teachers Association (TSTA) and the National Education Association (NEA) put out a report called "Our Public Schools: The Best Choice for Texas." Witte, identified as an independent evaluator, is quoted in the TSTA/NEA report in a chapter entitled "The Hollow Promise of Vouchers: The Failed Milwaukee Experiment." A few pages later, to add ballast to TSTA/NEA's anti-voucher argument, Witte's criticism is backed up by the influential Carnegie School Choice study; no mention is made of Carnegie's reliance on Witte. Having achieved a certain "hall of mirrors" effect, the Texas report concludes: "There is only one publicly funded voucher program in operation. It is confined to the Milwaukee, Wisconsin school system and by all accounts, after four years, it is a dismal failure."

Scratch below the surface of almost any criticism of the Milwaukee program and Witte is often lurking in the footnotes. Bella Rosenberg, the American Federation of Teachers' (AFT) point person on private school choice, refers interlocutors to Witte's reports, which prove in her words that "Milwaukee has not made one bit of difference." Requests to the NEA for its

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position on the Milwaukee voucher program are referred to the NEA's "Wisconsin affiliate," the Wisconsin Education Association Council, party to the original lawsuit to stop Milwaukee's Parental Choice Program, which in turn cites as proof of the program's failure what it calls "a study by the University of Wisconsin-Madison." It means, of course, the Witte reports.

With so much of the criticism of the country's one private school choice experiment tracing back to the work of one researcher, the following pages will take a closer look at Witte's findings—as well as the use made of those findings by high-profile critics of private school choice.

Hired gun

We begin with the evaluator himself. Who is John Witte, and what circumstances surrounded his selection as examiner of what friend and foe alike agree is the most controversial school reform in memory?

Witte was the personal choice of Herbert Grover, Superintendent of the Wisconsin Department of Public Instruction (DPI) at the time Milwaukee Parental Choice was passed, and an inveterate enemy of the program. One month before Grover selected Witte, the Dane County (WI) Circuit Court had upheld Parental Choice, dashing Grover's hopes of strangling the program before the first students reported to their new private schools in September of 1990.

In Witte, Bert Grover turned to an academic with a pronounced and public antipathy toward school choice. In contrast to Grover's bombast (he decried Parental Choice as a "disgrace," and "souped-up day care" in a summer-long campaign to solicit friends in the public education establishment to sue to stop the Choice program), Witte's position was more measured, but unmistakable. In a 1990 book, *Choice and Control in American Education*, Vol. 1, which he co-edited, Witte prophesied that "singular adherence to choice will have us in ten years looking backward on ... choice as simply another set of failed reforms." Witte's negative views on choice were known outside Wisconsin circles; his anti-choice stance was approvingly noted by Albert Shanker, President of the American Federation of Teachers, in his weekly "Where We Stand" column/ad in the fall of 1990.

In selecting Witte, Grover did not open the examiner's posi-

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tion to a competitive process. According to George Mitchell, who examined Witte's First Year Report for the Wisconsin Policy Research Institute, neither Grover nor Witte responded to written requests for a copy of their grant agreement or documents related to the selection process. One can imagine Grover made his selection with the same objectivity of the sheriff in Old West lore confronting an alleged horse thief: "First we'll have a trial, then we'll hang you."

Three years later, the circumstances surrounding Witte's appointment or his prior opinions on choice are seldom mentioned by those who cite his work. Indeed, Witte's selection by Grover and public skepticism about vouchers often are airbrushed out of the picture. Shanker, in the same January 1994 column in which he cites Witte to criticize the Milwaukee program, warns about so-called "independent" evaluations. In this case, he cites a charter school program in which the interested parties—"the ones who have the most to lose from an unfavorable evaluation—have to approve the evaluator." On the look-out for biases in his opponents' approach, Shanker's antennae are less attuned when the subject is a study he himself favors; the only difference in the Witte appointment is that Superintendent Grover's risk was a positive evaluation of a program he was determined to destroy.

If Shanker contracts a case of amnesia on the matter of Witte's prior opinions and appointment, the Carnegie report goes him one better, referring to "Professor Witte, a self-described choice advocate...." Whatever Carnegie was up to, few others would describe Witte that way.

Accentuate the negative

Shanker not only quotes from but even flacks Witte's Third Year Report, including the address for anyone interested in purchasing a copy at the bottom of his "Where We Stand" column. Yet Shanker may be banking on the fact that few readers will be inspired to send away for, much less read, the Witte report. If they did, they'd find the surprising fact that Witte's reports have not been so critical as alleged. While his findings remain remarkably constant, his inferences in many respects grow more favorable to Milwaukee's Parental Choice Program.

Witte's findings fall into three groups, each handled in a different way by choice critics: (1) his negative findings have

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been headlined and hyped; (2) his cautions and caveats unheeded; and (3) his positive findings ignored.

Consider the following key criticisms that prove upon closer examination to be questionable—many of which Witte modifies or qualifies in subsequent reports—which form the basis of choice critics' assault on the Milwaukee program.

Attrition from Parental Choice is high. This criticism, while at first glance seemingly peripheral, is potentially damning. How can school choice advocates defend a program if parents pull their kids out of it? Like canaries in a coal mine, parents can be counted on to serve as an early warning system for programs in distress. This proved to be a key line of attack in the 1992 Carnegie Report, which ostensibly proved parents do not really want school choice, and seldom use it when available. So what of Witte's attrition assertion? Is there a large exodus out of the Milwaukee program?

The short answer is no. To the extent the allegation of high attrition is valid at all, it is as true or truer for public schools as choice schools; to the extent it implies parents voting with their feet against choice, the data proves nothing of the sort. Indeed, a case could be made that Parental Choice has lower attrition than the background central-city rate.

The numbers (all data cited is drawn from text and tables in Witte's reports) are these: the bulk of the first year attrition from the Parental Choice Program can be traced to the sudden closing of one school, Juanita Virgil Academy, five months into the Milwaukee experiment in February 1991. Discounting the 63 Juanita Virgil students, 29 children left the Choice schools in the program's first year. That amounts to 10 percent attrition (29/278)—even when the lone alternative high school in the Parental Choice Program, SER-Jobs, is included.

Elsewhere in Witte's first report, a footnote reveals that the SER-Jobs non-completion rate for Choice students was 14 out of 27. That is, half of the in-year attrition from the Choice Program came from students designated "at risk" for dropping out—a category that Wisconsin law defines as including pregnant teens or teen parents, adjudicated youths, children with drug or disciplinary problems—*before* they began the program. Without SER-Jobs, the Choice attrition rate shrinks to under 6 percent.

The question remains: can we justify factoring out Juanita Virgil? In the course of my own research, an official at Wisconsin's

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DPI, speaking on background, confirmed that the children from Juanita Virgil were not allowed to go to their second-choice school; when the school closed, they were simply reassigned to the Milwaukee Public Schools. To count them in any attrition figure is to sanction a strange species of "forced attrition." To his credit, Witte, while saying nothing about the state's administrative *diktat* to deny re-enrollment into Choice schools, separates out the Juanita Virgil experience as a special case.

Not everyone does. The 1992 Carnegie Report, for one, saddles the Parental Choice Program with a "more than 40 percent" attrition rate. Superintendent Grover uses the same inflated attrition statistic, as does the TSTA/NEA report.

A battle of attrition

There are other reasons to doubt that attrition is unusually high in the Parental Choice Program. Witte does not separate out for economic ineligibility, that is, students who leave the program because their parents' improved economic circumstances push them past the program's income cut-off of 175 percent of the poverty line. Pressed to account for the number of students scored as "attritions" because their mother or father finds full-time work, Witte admits he has not measured this species of attrition, but assures this author they are "minimal."

Nor does Witte separate out re-marriage, a factor Harvard's Paul Peterson identifies as pivotal in explaining the fluctuating economic circumstances of families. Recall here that three out of four Parental Choice families are single-parent homes. Marriage to a working spouse may well result in students becoming ineligible for vouchers. For these reasons, Peterson states flatly in his comments on Witte's First Year Report: "The attrition rate in the Choice schools is impossible to evaluate."

Finally, how high is high? How does the attrition rate from Parental Choice compare with the public schools? According to Witte, the average "mobility rate" in the Milwaukee Public Schools is 33 percent, which, because this does not differentiate between students entering or leaving a school, Witte treats as 16.5 percent movement in and 16.5 percent out. Hence, at 10 percent, the Choice Program has slightly more than half the attrition rate of MPS; excluding SER-Jobs, just as the MPS rate excludes its own "at risk" students, the Choice attrition rate drops to about

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one-third the level in the Milwaukee Public Schools. It is difficult, even on the basis of Witte's own evidence, to see how he can sustain the claim that Choice's attrition rate is high. Another reviewer might even conclude the Choice program's attrition rate is remarkably low for an inner-city program, particularly given the legal cloud hanging over Milwaukee's Parental Choice well through two of its first three years.

Witte goes on in subsequent years to identify what he calls a high non-return rate, or over-the-summer attrition from the Choice program. Yet again, on closer examination, the Choice non-return rate differs little from that in the Milwaukee Public Schools. By the third year, Witte reports, "Mobility out of Choice schools may be very close to the norm for MPS; and ... for both systems, the data suggests considerable problems."

Indeed, in the following reports, Witte softens his stance. Without withdrawing his charge, Witte is stepping back from his first year finding of high attrition; what he's discovered is the high transiency in central-city schools *as such*, public or private. Calling in his Third Year Report for a separate study of attrition in public and private schools in Milwaukee's central city, Witte grudgingly acknowledges: "Attrition appears to be high although it is declining." In fact, the situation is considerably less dire. As Witte notes in the body of his report, "not counting Juanita Virgil, attrition during the year was less than MPS in all three years and is reasonable given the residential mobility of inner-city families."

But the damage is done. The initial charge is repeated uncritically as fact, Witte's caveats notwithstanding. In the Carnegie Report: "Another disappointing aspect of the Milwaukee program has been the high attrition rate...."

Choice parents have fewer children and more time to teach them. Witte surfaces this finding for the first time in his Second Year Report. Choice families are smaller, "thus providing an opportunity for parents to focus more on any single child." Readers of Witte's Second and Third Year Reports are free to picture a kind of "yuppy effect" at work among the Choice subset of the urban poor—poor but doting parents nurturing their single children. The import for evaluating the Choice program is clear. If Choice families are indeed a privileged population, then any academic progress on the part of Choice students may owe itself to factors having nothing to do with their Choice school and

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everything to do with their favored family circumstances.

In fact, Choice families are on average smaller when compared to low-income public school families, and about equal in size to the Milwaukee Public School average. Yet, 55 percent of the Choice families, according to Witte's statistics, have two to three children; a full 49 percent have three or more children. Overall, the average is 2.7 children per Choice family, compared to just over three children for low-income public school families. While Choice families might be slightly smaller, they are assuredly not single-child.

Choice families

What Choice families are, overwhelmingly, is single *parent*. Once we notice Witte's finding that Choice families were "much more likely" to be headed by a single parent, this putative advantage in parental oversight vanishes. It is more than offset by the multiple demands made on a single parent raising two to three children. The ratio of parents to children in Choice families—the only relevant ratio for making inferences about parents concentrating time and resources on their children—is worse than that for the average low-income public-school family, and worse by an even larger margin than the all-Milwaukee Public School family. Witte tells us Choice parents have little money to lavish on their children; his data reveals they also have precious little time.

Again, as in the case of the attrition allegations, critics pick up on Witte's strained suggestion that Choice parents are a specially privileged population.

Carnegie's spin is particularly ingenious. Learning from Witte that Choice mothers have a higher average high-school completion rate and college attendance when compared to public-school mothers, Carnegie leans on this finding to conjure up visions of relatively affluent, well-educated families benefiting from Parental Choice. Yet nowhere does Carnegie report Witte's finding that Choice families have average annual incomes of $10,700. It is, to say the least, odd to see such families trotted out to uphold Carnegie's sweeping claim that: "School choice works better for some parents than for others. Those with education, sophistication, and especially the right location may be able to participate in such programs." Milwaukee's impoverished, inner-

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city Choice parents would be bewildered by their allegedly enviable advantages in the eyes of the Carnegie authors.

Achievement scores are inconclusive. For many observers, the success or failure of private school choice hinges on hard statistical data, which measures Choice students' scores against those of their public-school peers. Assessments of Milwaukee's Parental Choice Program began almost immediately. Carnegie's negative judgments, for instance, were based on tests taken and reported by Witte at the end of seven to eight months in the Milwaukee program.

In contrast to choice critics' rush to judgment, reports on this test data reveal Witte at his most cautious. After three years, he reports, "outcomes ... remain mixed," and "results are less clear-cut." Choice critics easily twist Witte's neutral into a negative; Shanker's "Where We Stand" column asserts that "private schools are not outperforming public schools."

What can we learn from Witte's score data? Here, the challenge is sifting what data Witte chooses to reveal in his reports.

Fruit salad

The key in any comparison is to measure like to like. Witte's First Year Report falls short of this goal, comparing apples to oranges in what becomes a statistical fruit salad of questionable conclusions.

The problem revolves around Witte's use of *change* scores—scores on successive tests taken by the same student; and *cohort* scores—measuring a year-to-year group average, when the group itself consists of a shifting mix of new and old students.

Witte himself makes a strong case for preferring change scores over cohort scores: "gain scores for individual students ... will be the most reliable measure of achievement based on test score results." In his Second and Third Year Reports, Witte's endorsement of change scores becomes more insistent: "Because the cohort scores do not report on the same students from year to year, the only accurate measure of achievement gains and losses are change scores." In the Third Year, again: "the only accurate measure of achievement gains and losses are change scores."

Given the caveat, the question is why Witte reports cohort scores at all. Stranger still, why does Witte's First Year Report base its findings, which reflect negatively on Choice students, on cohort scores?

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Consider Witte's first year finding that "Preliminary outcomes ... were mixed." Yet, close reading shows that Witte bases his finding not on whether Choice students have improved their change scores or gained ground on a test group of similarly situated low-income public school students but whether Choice students, who Witte acknowledges began measurably behind their public-school counterparts, have caught up to the *average* MPS student of *all* income levels. Not surprisingly, Choice students come up short: "Choice students clearly are not yet on par with the average MPS student in math and reading skills," Witte says. The relevant comparison would have been to Choice students' own previous public-school scores, "change scores" in statistical parlance.

Does Witte make such a comparison? He does. Characteristically, however, Choice students' change-score statistics, for a small group of 76 students, rest in a footnote in the First Year Report. Those scores show that, when measured against public-school students in both reading and math, Choice students narrowed the gap. In parentheses within the footnote, Witte drily observes that this finding is "counter to the results" of the Cohort Score Table published at the back of the report—the scores that form the basis for his mixed judgement on Choice students' performance. Witte's footnotes and fine print did not make it into headlines as evidenced by the *Milwaukee Journal*'s headline of November 24, 1991, after the release of Witte's initial review: "Scores Aren't Up Under School Choice."

Still, Witte's cautious assessment compares favorably with the rush to judgement others made to damn the Choice program:

> If there is any firm conclusion from these results, and we are not sure if there is much of one, it is that when students begin as far behind as the students apparently did in the first year of this program, seven or eight months will not produce dramatic changes in test scores.

Years two and three

For years two and three, Witte reports, "preliminary outcomes ... were mixed." And again, caveats abound:

> There is simply a great deal we do not know about these patterns at this point in time. Although it is not possible to use these data to support a picture of miraculous outcomes occurring in the private

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> schools, the relative comparison to the public schools is not yet clear.
>
> We continue to interpret these short-term changes in very small numbers of students with great caution.

Cohort scores in particular are of questionable utility in the second and third years because, as Witte makes clear, of the changing nature of the Choice-student cohort. The Choice-student population draws significantly lower-scoring public-school children into the program in the second and third years and, in the second year especially, loses better-than-average students. In other words, the composite Choice-student profile was losing ground against the first-year group. Witte wisely avoids conclusions based on such a shifting test population.

For change scores, Witte reports "the results differ somewhat." On reading scores, the Choice gain from the first year, which Witte assessed as statistically insignificant, is followed by significant declines in years two and three. For MPS low-income students, slight increases in the first and second year give way to a decline in the third, none of which Witte assesses as statistically significant. While MPS students are flat-lining, the trend is troubling for Choice.

Math scores, in contrast, yield a slightly more positive picture for Choice students. Both the all-MPS and low-income snapshots show first-year gains in math, second-year scores flat, and third-year a significant decline. For Choice students, according to Witte: "In Math, choice students were essentially the same in the first two years, but recorded a significant increase in the third year."

For public schoolers, the trend is ominous; for Choice students, optimistic. Yet Witte's regression analysis allows him to scamper back from such an even mildly positive finding for Choice students and end his report with the far fuzzier statement: "When we controlled for other relevant variables, however, the effect of being in a choice school was insignifcant." Not surprisingly, in his 1994 column, it is this sentence AFT's Al Shanker stripped out to characterize the Milwaukee program.

The missing piece

However inconclusive or incomplete these early scores may be, the final question regarding test data is whether Witte is

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studying the right group at all. Clearly, comparisons of Choice students to MPS students of all income levels are suspect, which is why Witte shifts in his Second and Third Year Reports to a comparison between Choice students and a subset of low-income public-school students.

Yet, suppose Witte were to compare Choice students with a group of public-school students identical in all important respects, including their desire to transfer to a Choice school, and differing only in that there was insufficient room in the Choice program to allow these students in. These "refused" students, continuing on in public school, would be a near perfect control group against which to gauge Choice students' progress. Now, recall that through the first four years of the program, lack of space resulted in more interested public-school students being turned away from Parental Choice than accepted.

In his 1990 letter to Grover acknowledging his appointment, Witte himself promised to study precisely this group. He has not done so, even though, as several footnotes and appendices attest, he apparently has access to the "refused" students and their scores. What this data might show is anyone's guess. Still, it is odd that the one comparison Witte treated as determinative in a letter written at the time of his appointment is nowhere evident in his reports.

The mystery will remain for the foreseeable future because Witte is only now beginning to allow access to his data. Citing confidentiality constraints, he refused, in spite of Wisconsin's Open Records Act, to allow other evaluators to examine his data; only recently has he agreed to turn it over to the state entity that commissioned his study. Reviewers of Witte's work have been entirely dependent on the charts and tables he includes at the back of his reports. Unfortunately, as we have seen, some of the most interesting statistics are submerged in footnotes, and some charts vanish from one report to the next.

The questions surrounding test scores are overshadowed by the larger fact that many, if not a majority, of Choice students are concentrated in the early grades, having entered the Choice program as kindergartners. What Witte therefore calls the "last test" in a student's file may be, for many of the predominantly young Choice students, their "first and only" test, most likely taken in the second grade. Measuring changes in such early grades, with children engaged in their first encounter with "pen-

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cil and paper" testing and subject to "test trauma," may make results less reliable. Witte's own words put it best: "It is extremely difficult to measure outcomes or achievement for children at those ages." Yet this is precisely what Witte's reports do.

As the Choice program matures, examiners will doubtless shift their attention to graduation rates. Here, the Choice program will encounter what we might call a "structural" obstacle to success since—save for two "alternative schools" serving state-designated "at-risk" youth—there is no private high school for Parental Choice students to attend.

The absence of a Choice high school will become increasingly apparent in the years ahead. Many of the children in Parental Choice are still several years away from high school; few will be able to afford private high-school tuition. After eighth grade, many will find themselves with no option but to enroll in the MPS high schools that produce an abominable 32 percent graduation rate. Compare this to Milwaukee's inner-city Messmer High School, with its 98 percent graduation rate and an astonishing 79 percent of its seniors college-bound. Significantly, Messmer, a former Catholic school now independent of the Milwaukee Archdiocese, has sought and failed to win inclusion in the Choice program, denied by the DPI on the grounds that it is "pervasively religious."

Several years from now, access to Choice high schools would make moot the current wrangle over change scores and conventions of statistical significance. A program from which more than 90 percent of inner-city students graduate, compared to a public-school population where 60 percent drop-out, would remove any remaining doubt as to whether private school choice "works." Children who graduate instead of dropping out, children focused on college rather than the lure of the street—education researchers would finally understand what it is that has made Choice parents such fervent believers in the program from the beginning.

Without a Choice high school, however, the implications for the program are ominous. Milwaukee's Choice Program may be judged on its "graduates'" success rate in surviving a Milwaukee public high-school experience from which, to cite one sobering statistic, African-American students have a one in four chance of graduation.

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Eliminate the positive

If many of Witte's negative conclusions, which critics find so quotable—are in fact questionable, another group of Witte's findings are solid—and surprisingly friendly to private school choice. Not so surprisingly, choice critics who eagerly invoke Witte's reviews to score Milwaukee's experiment are entirely silent on the positive findings in his reports. What makes this omission all the more interesting is that Witte's positive findings explode some of the most serious charges leveled against private school choice:

Myth #1: Choice will hurt minorities. A constant refrain of choice critics is that vouchers will help those who need help least, and further harm the disadvantaged, especially minorities. Witte's findings, interestingly, point to precisely the opposite conclusion: Milwaukee's program has been disproportionately popular with minority families.

Through the first three years of Parental Choice, between 93 and 96 percent of all children receiving Choice vouchers are African American or Hispanic, a percentage well above the racial and ethnic mix of the Milwaukee public schools. That mirrors the Gallup and Joint Center for Economic Studies polls finding minority support for school choice ranging as high as 88 percent.

Witte's evidence provides ample proof that Choice families are among the poorest of the poor: (a) 59 percent were on AFDC or general assistance; (b) 77 percent were single-parent households; and (c) for 1990 through 1992, the average income of Choice families was $11,625—half the level of the average Milwaukee Public School family, itself hovering near the low-income line. In a city where poverty is widespread, Choice families are among the most impoverished.

The positive impact for minorities is reflected in the Milwaukee media. The city's major newspapers, the *Journal* and the *Sentinel,* mainstream papers with predominantly white readership, editorialized heavily against Parental Choice. Only the tiny African-American *Milwaukee Community Journal* came out in support of Parental Choice.

Myth #2: Choice will lead to re-segregated schools. Once again, Shanker takes a typical approach when he writes of Milwaukee: "With few exceptions, students ended up in segregated schools with an ethnocentric educational program." Shanker's studied

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vagueness cannot be unintentional; his words conjure up images of the old South's Freedom of Choice plans, which used vouchers to help white families dodge court-ordered desegregation. Shanker is careful not to disturb readers with the fact that the modern-day reality in Milwaukee is that Choice students are disproportionately the minority children mentioned above, not white children fleeing public schools.

But what about the claim that vouchers lead to resegregation? Witte is emphatic on this point. While Choice schools such as Harambee and Urban Day stress African-American culture, and a third school, Bruce-Guadelupe, puts a special emphasis on bilingualism, Witte finds no evidence of "teaching cultural superiority or separatism." In contrast to the "intense debate" created by this type of cultural emphasis around the country, Witte finds that "in these schools the approach seemed positive."

In all, Witte finds the Choice program fosters *diversity*, an ideal otherwise dear to the public-education establishment but inconvenient when it comes as a consequence of school vouchers. Witte says, "The student bodies of participating [Choice] schools vary from schools that are almost all one minority race, to racially integrated schools, to schools that have used the Choice program to diversify their almost all white student bodies." This finding, like others encountered by choice critics, is inconvenient—and thus ignored.

Myth #3: Choice schools will siphon off the "cream of the crop." Again, Shanker serves to state the charge: "If private schools can pick and choose the most promising students ... what are the prospects for providing equal education opportunity to the children left behind?" He is quick to answer his own rhetorical question: allow private school choice, and public schools will be filled with the children of "the indigent ... cared for in the educational equivalent of charity wards."

Has Parental Choice drawn the cream of the crop into private schools, leaving public schools the dregs? Again, Witte's data shatters this cherished myth. He says that "students were not succeeding in the MPS and probably had higher than average behavioral problems." "In short, the choice students in this program enter very near the bottom in terms of academic achievement." On average, at the time of entry into the program, Choice children were more likely to underperform their academic coun-

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terparts in the public schools and were more likely than their peers to have had a history of behavior-related problems in their old public schools.

As early as his First Year Report, Witte's own words could hardly be more categorical: "Rather than skimming off the best students, this program seems to provide an alternative educational environment for students who are not doing particularly well in the public school system." He concludes:

> One of the most striking and consistent conclusions from the first two years is that the program is offering opportunities for a private-school alternative to poor families whose children were not succeeding in school. This is a positive outcome of the program.

Two cheers

Finally, choice critics who otherwise champion Witte's work overlook his frequent positive assessments on the Parental Choice Program in general. On parental involvement, a factor often associated with superior student achievement, Witte reports: "the findings ... are consistent across the three years: they [Parental Choice parents] have high parental involvement coming into the schools and even higher involvement once there." Parental satisfaction also ranked high: "Respondents almost unanimously agreed the program should continue (99 percent in 1991; and 97 percent in the respective [second and third] years." This enthusiasm reached even to parents who withdrew their children from the program, although Witte drops these charts from his Second and Third Year Reports.

In each of his three reviews, Witte reports that the Choice program is serving its target group. He writes in his first review:

> The *bottom line* of this report is a recommendation to continue the program for at least several more years. Despite some problems and difficulties, engendered both by the uncertainty of the program's future (because of court challenges) and by limited demonstrated educational success to date, it is clear this program continues to offer opportunities otherwise unavailable to some Milwaukee parents.
>
> [Parents] were seeking a better learning environment, with a better disciplinary climate. They turned to the private schools in the hope of finding that environment.

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Witte's Second and Third Year Reports are even more unequivocal:

> Parents who responded to our surveys believe they found in the choice schools what they professed they were looking for when they entered the program—increased learning and discipline.
>
> The Choice Program was targeted to provide an opportunity for relatively poor families to attend private schools. In the first three years the program has clearly accomplished this goal.

The portrait that emerges from the Witte reports is one of a still skeptical reviewer, gradually warming to a program, a reviewer far more cautious than the critics who champion his work. The fact remains, however, that Witte's own data often war with the bumper-sticker conclusions choice critics find so easy to manipulate and magnify.

All of this is good reason for a truly independent review of the Parental Choice Program, a wall-to-wall comparison of change scores, with careful methodological controls for non-school factors. Until such an independent audit occurs, we will continue to witness what has become business as usual—the public-education establishment using Witte as convenient scholarly cover, dipping into his data in selective ways to condemn the Choice program in ways Witte's own reports do not.

Yet, even choice critics ought to be unsettled by the fascinating paradox they claim to have found in the facts about Milwaukee. Why is a program so inconclusive in terms of test scores so well-liked by parents? One obvious hypothesis would be that Milwaukee's Choice parents are dolts or dupes, an explanation Shanker hints at when he writes of parents "pushed or seduced" into accepting a voucher program. But Witte, to his credit, resists, perhaps because his own data demonstrates that Choice mothers in particular have more than the average levels of education.

Then again, another hypothesis suggests itself: perhaps Parental Choice parents aren't just more educated; maybe they are smarter, too.

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Why babies die in D.C., part II

SANDERS KORENMAN

IN THE SPRING 1994 ISSUE of *The Public Interest* (Number 115), Nicholas Eberstadt argued that the high rate of low birth-weight births and infant mortality among African Americans in Washington, D.C., is due mainly to high rates of illegitimacy and other parental behaviors:

> Impersonal social forces—material deprivation, joblessness, economic insecurity—cannot explain why one of the very richest black populations in America suffers from black America's very worst infant mortality rates. This perverse situation can, however, be explained in terms of dysfunctional or even pathological behavior by parents and adults—including parents and adults who happen to be neither poor nor poorly educated. Illegitimacy, welfare dependence, and the environment of violent crime mark out a vector of deadly risks to infants in Washington, D.C.

The Public Interest packaged Eberstadt's article with another by Charles Murray, who once again asserted that welfare causes illegitimacy. It is a small logical step to the conclusion that welfare, intended to help poor children, kills black babies. The list of Murray's critics is long and distinguished, but Eberstadt's thesis remains largely unchallenged. Yet, there is little if any evidence that nonmarital childbearing plays an important role in raising rates of low birth-weight (LBW) births among blacks in Washington, D.C., compared to blacks nationally and, by extension, among blacks compared to whites.

No one can deny that rates of LBW are higher for nonmarital than marital births, nor that high rates of LBW births contribute to high rates of infant mortality. Since African Americans have high rates of LBW births, they also face high infant mortality rates. But, of course, this does not mean that having a nonmarital birth increases the risk of an LBW birth. Women who have marital births differ from those who have nonmarital births in ways that do not directly result from marital status. Women who have marital births are likely to have grown up in more advantaged circumstances, and they and their children would face fewer

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health risks than less-advantaged women, even if they were to give birth out of wedlock. For example, the parents of black women who had marital first births (the infants' maternal grandparents) were 30 to 60 percent more likely to have completed education beyond high school, and the mothers themselves scored 50 percent higher on a test of academic aptitude (even among those who were tested *prior* to their first births), compared to black women who had nonmarital first births.* Differences in background characteristics between women who have births maritally and nonmaritally are even more dramatic for whites and Hispanics. Therefore, simple comparisons of LBW rates between marital and nonmarital births that ignore these background differences are likely to overstate the causal contribution of illegitimacy to high LBW rates.

In order to address the "correlation is not causation" problem, Eberstadt conducts a statistical analysis of LBW rates in 170 Washington census tracts. He finds that a higher rate of nonmarital childbearing in a census tract is associated with a higher LBW rate, even when he controls for the poverty level, education, racial composition, and median household income. However, he acknowledges that his evidence is flawed for two reasons. First, because his data refer to census tracts rather than individuals, interpretation is subject to the "ecological fallacy": what pertains to neighborhoods need not pertain to individuals. Second, the LBW rates he uses are for all births, not for births to African Americans.

BUT LET US for a moment sidestep the correlation versus causation morass and simply assume that differences in LBW rates between marital and nonmarital births are caused by illegitimacy. The question then becomes: *How much do high rates of nonmarital childbearing contribute to the high LBW rates among Washington blacks compared to U.S. blacks overall?* Although Eberstadt presents a careful and informative analysis of cross-neighborhood differences in LBW rates in Washington, D.C., he does little to answer this central question.

One might not be bothered by the use of an indirect approach if it were the best way to answer the question of interest. I believe it is not. In particular, there is a standard demographic technique for comparing rates across populations that differ according to some important characteristic—in this case, marital

*These figures are tabulations from the National Longitudinal Survey of Youth, a widely studied sample of persons aged 14 to 21 in 1979, who have been interviewed annually since 1979.

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status. This technique—rate standardization—is appropriate for answering exactly the kind of question highlighted in italics in the previous paragraph.

The standardization "thought experiment" goes as follows. We know the LBW rate among U.S. blacks overall is 136 per thousand compared to 167 in Washington, D.C.* We also know that 68 percent of U.S. black births are nonmarital, as compared to 79 percent in Washington. If nonmarital childbearing among Washington blacks were to fall to the level of U.S. blacks overall, how much would the Washington black LBW rate decrease? The answer is: hardly at all. To see this, assume that the rate of LBW births for each marital status group remains the same in Washington (178 per thousand nonmarital births, 125 per thousand marital births) as the nonmarital proportion decreases from 79 to 68 percent. Then, the LBW rate among Washington blacks would fall to 161 per thousand ($161 = .68 \times 178 + .32 \times 125$) from 167 per thousand, a decrease of six per thousand or about 3.5 percent. The inescapable conclusion is that higher rates of nonmarital childbearing account for virtually none of the high rates of LBW births among Washington blacks compared to U.S. blacks. Although reducing nonmarital childbearing in Washington, D.C., may be desirable for other reasons, it will not narrow appreciably the gap in LBW rates between Washington blacks and blacks nationally.

ALTHOUGH EBERSTADT COMPARES blacks in Washington to U.S. blacks overall, the real issue here is race. If, as Eberstadt would have us believe, the higher rate of illegitimacy in Washington explains the higher LBW rate, then it follows that the higher rate of illegitimacy among U.S. blacks explains their higher LBW rate relative to U.S. whites. However, a similar rate standardization shows that even if black America were to undergo a monumental behavioral change resulting in a drop in nonmarital births from 68 to 22 percent of the total, the black LBW rate would fall by only 14 percent (from 136 to 117 per thousand births), or by less than one-quarter of the gap between blacks and whites nationally. [An alternative and equally valid standardization raises the nonmarital proportion among whites rather than lowering it among blacks, and suggests an even smaller contribution of race differences in marital status to the LBW gap (13 per thousand births, 10 percent of the black rate, or 17

*U.S. figures are for 1991, the latest available from the National Center for Health Statistics. Washington, D.C., figures are for 1992, the latest available from the D.C. Department of Human Services, and were provided by Dr. Fern Johnson.

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percent of the gap).] I suspect that even Charles Murray does not believe that shutting down the AFDC program would reduce nonmarital childbearing among African Americans to less than one-third its current level. Moreover, the modest resulting decline in the black LBW rate suggested by this standardization exaggerates the role of illegitimacy because it is based on the generous (to Eberstadt) assumption that the simple difference in LBW rates between married and unmarried women is caused entirely by illegitimacy.

But is it? What if we could somehow control completely for the background differences between women who have births out of wedlock and those who do not? Fortunately, the National Longitudinal Survey data give us a chance to do just that. In particular, these data allow us to conduct the intuitively appealing experiment of controlling for maternal background differences by comparing birth-weights of pairs of siblings, one of whom was born out of wedlock and one of whom was not. Differences in LBW rates between marital and nonmarital births among blacks are reduced by 53 percent when births to the same mother are compared (for all races combined, the figure is 60 percent). This finding suggests that, in order to gauge more accurately the contribution of illegitimacy to high black LBW rates, we should reduce the estimate from the rate standardization described above by 53 percent. The bottom line is, then, that reducing the proportion of nonmarital births among blacks by more than two-thirds (a huge reduction) would lower the black LBW rate not by 10 to 14 percent but by 4 to 7 percent.

Where does this leave us? Taken together, Eberstadt's and Murray's articles imply that welfare does more harm than good: by encouraging nonmarital childbearing, welfare kills African-American babies. There is little evidence, however, to link elevated rates of LBW or infant mortality to nonmarital childbearing. Those who would eliminate welfare should not mislead themselves or the public into thinking that, in cutting benefits, we are helping to improve the health of impoverished children.

A reply

NICHOLAS EBERSTADT

AS A LONG-TIME appreciative reader of Professor Korenman's research on issues of family, race, and infant health outcomes, I am happy to respond to the questions, objections, and

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observations that my study on infant mortality in Washington, D.C., seems to have stimulated. Since a number of his comments appear to be directed to Charles Murray and other authors unnamed, I will address only those remarks which touch upon my own article.

Professor Korenman is quite correct to state that conventional "standardization" calculations produce figures which can be used to suggest that the contribution of D.C.'s unusually high black illegitimacy ratio to its unusually high incidence of low birth-weight for black mothers is very small. What he does not stop to ponder is whether such computations are meaningful—other than in the trivial, purely arithmetic sense.

"Standardization" exercises of this sort are most appropriate and informative when one can assume comparability between the populations in question. As I repeatedly attempted to explain, however, the infant mortality situation in Washington, D.C., is anomalous and distinct from that in the rest of the country: Washington is one of black America's most affluent population centers, yet it suffers one of black America's worst infant mortality rates.

Why should this be? The proximate reason for this high infant mortality rate is the high incidence of vulnerable, low birth-weight babies. In 1991, the year for which Professor Korenman computes his "standardization," an unwed African-American mother in the District of Columbia was nearly one-fifth more likely to have a low birth-weight baby than her counterparts in the rest of the nation. For whatever reasons, unwed African-American mothers in Washington, D.C., are bearing babies that are simply less likely to survive their first year of life.

This was not always so. In the early 1970s, the illegitimacy ratio for African Americans in Washington, D.C., was about the same as for the country as a whole, as was the incidence of low birth-weight. Today, the black illegitimacy ratio is distinctly higher in Washington, as is the incidence of low birth-weight for black babies born outside of marriage. Should we assume that Washington's especially rapid pace of transformation in black family structure has been independent from the simultaneous (and especially dramatic) increases in the risk of low birth-weight for black babies from the District of Columbia?

THE UNSTATED SUPPOSITION underpinning Professor Korenman's "standardization" computations is that these two trends are, in fact, unrelated. This is the internal logic of the "standardization" procedure, which posits the plausibility of hold-

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ing one variable constant while altering the other. Professor Korenman's implicit premise, however, is hardly self-evident. Until and unless the case can be made that the rate of change in illegitimacy ratios in a community has no bearing upon the risk of low birth-weight for its out-of-wedlock babies, the apportionment of the overall risk of low birth-weight into subsidiary components by the method that Professor Korenman proposes must be considered an artificial, if not a sterile, exercise.

Professor Korenman muses about how the relationship between illegitimacy and infant mortality might look after controlling for socioeconomic status (that is, after taking account of the fact that a single mother is more likely than a married mother to be both poor and poorly educated). In actuality, we do not need to guess. As readers of *The Public Interest* may remember, I presented data in an earlier article on infant mortality rates by race, marital status, and educational level, which had been compiled for eight states in 1982 as part of the pilot effort for the National Center for Health Statistics' (NCHS) "Linked Birth And Infant Death File."* According to those data, among women 20 years of age and older, a college-educated but unmarried mother was more likely to see her baby die in its first year of life than a married grade school dropout. This finding, one may note, held for both black and white Americans.

WHY, IN MODERN America, should the health risks associated with illegitimacy overpower the social and economic advantages associated with more years of schooling? One possible factor may be that single mothers in modern America are more likely to engage in practices or embrace behavioral patterns during pregnancy that would expose their newborns to danger.

In Washington, D.C., as in the nation as a whole, illegitimate babies—irrespective of race—are much more likely to obtain late prenatal medical care, or no care whatsoever, than babies born to a marital union. Irrespective of race, unwed mothers are more likely to report that they smoked and/or drank during their pregnancy. Information on illicit drug use during pregnancy is not regularly and reliably collected in our country, but the prevalent supposition in medical circles today seems to be that unwed mothers are more likely than married mothers to be drug users. Such behavioral patterns expose fetuses and newborns to predictable hazards, no matter what his or her mother's race, or socio-

*See "America's Infant Mortality Puzzle," *The Public Interest*, Number 105, Fall 1991.

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economic status, happens to be. As I explained at some length in the study to which Professor Korenman refers, it is *precisely* such behavioral factors which possibly explain why the relatively affluent black population of Washington, D.C., experiences very poor health outcomes for its babies.

Professor Korenman prefers to look instead at the influence of "background" and race on infant health status. As an aside, it is perhaps worth mentioning that, contrary to his impression, the approach he commends—namely, examining the birth-weights of siblings born within marriage and outside it—does not by itself separate behavioral factors from other aspects of "background," and indeed cannot be expected to do so. Nevertheless, Professor Korenman is to be saluted for his general line of inquiry. By daring even to raise questions about the roles of race and heredity in America's infant mortality problem, he demonstrates an intellectual independence altogether lacking in too many of our colleagues. The relationship between ethnicity, heredity, and health is not only a valid avenue for research but potentially an important one as well—yet it is greeted with polite inattention in the contemporary public health research community.

MY STUDY ON infant mortality in Washington, D.C., did not attempt to cast light on the contributions of "background" and heredity to the District's alarming health conditions for its babies. And I confess that I have not tried to study the impact of these factors on the infant mortality situation for the country as a whole. However, I have come across one set of clues which would seem to provide meaningful information about the role of ethnicity and heredity in infant health chances—and which appears to be at odds with the thrust of Professor Korenman's own findings in this area.

The clues come from the U.S. vital statistics system and concern our country's black immigrants. The NCHS now publishes data on the incidence of low birth-weight by both race and "nativity" (that is to say, whether the mother is U.S.- or foreign-born). In 1989—the most recent year for which such figures have been published—8.9 percent of the 52,000 babies born to mothers who were African-American immigrants recorded a birth-weight of less than 2500 grams. This was considerably higher than the incidence of low birth-weight among American whites (5.7 percent)—but it was much lower than the incidence among U.S.-born African Americans (13.8 percent). Indeed, it was closer to the incidence of low birth-weight among American whites than of native-born blacks.

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One may object that these raw totals do not adjust for the possibly confounding influence of differences in socioeconomic status between America's black immigrant population and the U.S.-born African-American population. True enough. Yet there is one largely overlooked NCHS study, published in 1980, which takes that extra step: *Factors Associated With Low Birth Weight: United States, 1976.*

The study's author, Selma Taffel, cross-tabulated the incidence of low birth-weight in the United States in 1976 not only by maternal race and nativity but by maternal education as well. For that year, according to her findings, the incidence of low birth-weight among foreign-born blacks with less than 12 years of schooling was 8.4 percent. This was less than three-fifths the rate for U.S.-born blacks with less than a high school education (15 percent). Even more intriguing, *it was less than the incidence of low birth-weight among native-born American whites with less than 12 years of schooling*—a group whose rate of low birth-weight stood at 8.6 percent. If heredity and "background" are as central to infant health outcomes as Professor Korenman suspects, such findings would seem very hard to explain.

CLEARLY, WE STILL have much to learn about the influence of both biological factors and parental behaviors on the health outcomes of American infants. From a purely methodological standpoint, disentangling the influence of culture and heredity from the overall socioeconomic tapestry poses formidable challenges. The increasingly politicized tenor of contemporary health policy discourse does not make it any easier. Yet, unfettered research on health issues is clearly in the public interest—even when it touches upon unfashionable or controversial subjects. I will look forward to Professor Korenman's studies in the years to come, and I hope we will have a chance to compare notes again in the future.

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The heritage of Dada

ROGER KIMBALL

ANYONE WHO THINKS that fatuousness, nonsense, and obscenity in the arts are wholly recent, NEA-sponsored affairs should look back for a moment at some of the numerous avant-garde movements that captured headlines in Europe from the turn of the century through the 1920s. In addition to the important artistic developments of high modernism (Picasso and Matisse, Stravinsky and Schönberg, Pound and Eliot), there were any number of wrong turns and dead ends in which restless souls with more talent for posturing and provocation than for making art could congregate to exhibit their rage. (Which is not to say, of course, that genuine artistic talents are above posturing and acting provocatively: it's just that that is not all they do.) Futurism, Orphism, Surrealism, Dada—advocates of these and other adolescent ventilations took advantage of newly-won bourgeois freedoms to make spectacles of themselves and to rail against a social order that had been thoughtless enough to allow their existence without at the same time celebrating their genius. Pathetic contemporary specimens such as Holly Hughes, Karen Finley, and Ron Athey are the spiritual progeny of these earlier movements, the chief difference being that nowadays we *do* proclaim their genius and help to support their activities with taxpayer dollars.

The history, goals, and accomplishments—though not, perhaps, the failures—of those earlier movements are by now well known. They might even be said to be vastly over documented. Yet there are always new wrinkles to be ironed out and commented on, which I suppose explains the existence of *Dada and Surrealist Performance*[†] by Annabelle Melzer. First published in 1980, a new edition with an updated bibliography (it now runs to more than 30 pages) has just appeared. Although it was heavily indebted to Surrealism and Futurism, Dada proper was born in

[†]The Johns Hopkins University Press. 288 pp. $14.95.

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Zurich in 1916, the brainchild of Tristan Tzara, the Rumanian-born French writer and provocateur. Melzer, who teaches at Hebrew University in Jerusalem, traces the history of Dada theater and performance from its origins in Zurich at Tzara's Cabaret Voltaire through its development and dissolution in Paris in the 1920s, with side glances at some offshoots of the movement.

Since her book focuses on Dada theater and performance, Melzer mentions the French Dadaist painter Marcel Duchamp only in passing. Duchamp is worth keeping in the back of one's mind in any consideration of the phenomenon of Dada, however, for it was he who was chiefly responsible for exporting the virus of Dada to the United States when he came to New York in the teens. Duchamp's Dadaist pranks tended to be of a more cerebral nature than those of Tzara or other European Dadaists. But his influence has been, if anything, even more pernicious. Duchamp shocked the art world with his "ready mades," ordinary objects torn from everyday life and exhibited as art. He presented the public with an ordinary bottle rack or garden rake and declared, "This is art!" The public believed him. He drew a moustache on a picture of the Mona Lisa, scrawled an off-color pun across it, and exhibited the result. Even more scandalous was *Fountain*, the gleaming white urinal that Duchamp had the audacity to exhibit as art. It all seems rather tame today. But Duchamp's innovations, amounting to an attack on the very idea of art, mapped out virtually all of the moves that later movements such as pop art and conceptual art made.

AS I HAVE noted elsewhere, I regard Duchamp as one of the greatest disasters in the history of twentieth-century art. If his Dadaist antics initially seemed amusing and even liberating in a world where "art talk" had become altogether too somber and self-absorbed, his influence has been almost wholly bad. And it is, alas, still very much with us. What Duchamp teaches is nihilism masquerading as impishness. Like Tzara and other Dadaists, his goal is not to cultivate a new form of art but to undermine the very possibility of art by exploding its basis in aesthetic experience.

Unfortunately, this is not something that Melzer really appreciates. She is too busy being a cheerleader for Dada. Consequently, *Dada and Surrealist Performance* is not a good book. It does not even manage to be especially bad. Mostly it is dull and pedantic. It consists largely of descriptions of past Dadaist performances, accompanied by many, many citations from "the literature." (I suspect that the book began life as a Ph.D. disserta-

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tion.) Still, it must be said that *Dada and Surrealist Performance* is a symptomatic book. Above all, it is symptomatic of the intellectual wreckage perpetrated by the 1960s on a generation of scholars. Early on, Melzer indulges in a confession that is also a credo:

> I come to the material heavily influenced by the theatre of the 60s. I have participated in happenings, and am sensitive to assaults on the audience and to attempts to shock. Being a product of the 60s "indecent" exposure of the unconscious, I find the theatrical "tantrums" of dada and surrealism affirming rather than shocking.

Exactly what such theatrical tantrums may be said to affirm is never really specified, though there is a constant refrain about how Dada seeks to overcome the disjunction between art and life. It tells us a lot that Melzer betrays absolutely no awareness that breaking down the barrier between art and life is a prescription for silliness, tyranny, or both. Toward the end of her book she rightly notes that "Dada and surrealism were the *delirium tremens* of the crisis of sensibility which began with romanticism." But she seems to regard this malady as an endorsement, believing, perhaps, that dissolution is a sign of authenticity.

It is often said that Dada originated as a pacifist protest to the devastations of the First World War. In fact, the war was merely the occasion for making protest a guiding principle of life. It is not simply that the unadventurous or uninformed found Dada shocking—as, for example, the Paris audience found *Le sacre du printemps* shocking when it was first performed in 1913. No, the principle aim, the *raison d'être,* of Dada was to shock and discombobulate. Its path, as Melzer puts it, is a "path of pure provocation." In Tzara's inimitable words, Dada is "a new transmutation that signifies nothing, and was the most formidable blasphemy mass combat speed prayer tranquillity private guerrilla negation and chocolate of the desperate."

Here is a Dada poem:

O O O O O OO

Here is another, this one to be repeated *ad nauseam*:

zimzim urallala zimzim urallala zimzim zanzibar zimzallazam

Melzer invokes St. Paul on the gift of glossolalia (speaking in tongues) as a precedent for this, but surely we have here a perfect illustration of the proposition that some nonsense is pure and simple nonsense.

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A "classic" Dada performance, which took place in Paris in 1920, featured Tristan Tzara reading aloud from a newspaper while various bells were rung in the background, making everything he said unintelligible. Melzer observes: "All theatre that progressively develops an intrigue, delves into psychological analysis, or hints at verisimilitude must be abolished as 'stupid.'" Tzara recalls a Dadaist play by Paul Eluard:

> Two characters meet on the stage. The first says "The post office is across the street." The second replies: "What's that to me?"
> CURTAIN

It's nice work if you can get it.

SUCH EXAMPLES MAY suggest that Dada is merely an absurd game—a kind of cultural buffoonery or aestheticism, irritating but harmless. And so it is, in part: "There are people who live from one day to the next," Tzara is quoted as saying. "Me, I live from one amusing idea to the next." But like most forms of aestheticism, if pursued consistently, Dada reveals a darker side. Boredom is Dada's chief enemy. One of Melzer's epigraphs reads, "Excess, even madness, is less boring than banality." Perhaps. But that means that all forms of excess, even madness, will be resorted to to escape boredom. (Not for nothing did Kierkegaard describe boredom as "the demonic side of pantheism.")

Melzer proudly explains that "Dada would not succumb to the procrustean bed of bourgeois values, and in fact, the only consistent aim of the movement was a subverting of the values of bourgeois society, and of bourgeois complacency itself." Consistent with its attack on "bourgeois values" (e.g., order, reason, honesty, propriety) is its fascination with violence, the scatological, and the obscene. This it shares with its close cousin, surrealism. Dada's basic mode of address is the harangue. It is Andre Breton screaming that everyone in the audience is a "serious oyster," an "idiot." It is also Antonin Artaud's surrealistic play *Le Jet de Sang* (1924). Here is Melzer's summary:

> A hurricane separates a young girl and a young man who have been reciting to each other, "I love you and everything is beautiful," live pieces of body fall to the stage, and a nurse holds her swollen breasts in both hands. "Shit, what's the matter with you?" asks the knight who accompanies her. The nurse lets loose her breasts and releases an army of scorpions from under her dress. They swarm over the knight's penis until it swells up and bursts, becoming glassy and shining like the sun.

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This passage appears on the first page of Melzer's book, directly across from the final passage of her acknowledgments. Its placement momentarily infuses this plodding tract about Dadaism with a certain Dadaist *esprit*, for we read in the acknowledgments of Melzer's gratitude to a friend for "the special care and caring she gave to two generations of her 'daughters'; and for quiet rooms in borrowed houses, for lakes with slow sunsets, for festive meals to raise the spirits..." etc. This is perfectly sweet and appropriate, of course, but what does it have to do with those swollen breasts and scorpions? And what, indeed, would a Tristan Tzara or Antonin Artaud make of Melzer's "lakes with slow sunsets"? How pedestrian. How banal. How bourgeois.

This, in fact, is a problem with most such scholarly celebrations of Dada, Surrealism, etc. In their very sobriety and dutifulness they contradict what they endorse. At one point, Melzer speculates on the origin of the word Dada. She quotes the following from some Dadaist: "I am convinced that this word is of no importance and that only imbeciles and Spanish professors can take an interest in dates." This is duly footnoted and filed away with a date and citation.

MELZER IS NOT entirely oblivious to contradiction. For example, she notes that "Dada comes out against art ... and yet makes art." What she doesn't acknowledge is the little shell game that Dadaists play. If you complain that Dada is bad art, you are told it is not really art but a brave new form of life. If you criticize Dada for its immorality and perversity, you are told that it is an experimental art form and hence beyond the reach of "conventional" morality. What is seldom admitted is that, considered as art, Dada is aesthetically bankrupt while, considered as a mode of life, it is a nihilistic form of aestheticism.

At the end of her book, Melzer comes close to the truth but then quickly veers away in a cloud of dazed enthusiasm.

> There are moments when the whole dada-surrealist performance world looks like some great dada swindle perpetrated on the only too fallible researcher and critic. It is all true, however. Tzara paraded around the stage in a top hat crowned with a lighted candle, Hugo Ball was carried off in a sweat after having recited "gadgi beri bimba." Mme. Gaveau was splashed with rotten tomatoes. Eluard fell into the scenery of *Le Coeur à Gaz*. It remains only to believe it.

Believe it? It is easy to believe that such things happened. They—and even worse—are happening still. Consider Ron Athey's

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now-notorious "performance piece" in which he carves abstract designs into the back of a black man, mops up the blood with paper towels, and then suspends the towels on a clothesline over the audience. Because Athey is HIV positive, this loathsome behavior (brought to you, in part, by the NEA) is supposed to be rich with artistic and cultural significance. In fact, it is another case for the psycho-pathologist. In any event, Melzer wants something more: she wants us to believe *in* the performances she describes. But why should we?

Dada and Surrealist Performance is a sourcebook of artistic failure and cultural detritus. Believing in any of the phenomena it describes would be the ultimate act of Dadaist absurdity.

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Civilizing nature

ROGER D. MASTERS

NATURE IS BACK. For most of this century, such terms as "natural law," "natural right," and "human nature"—the basis of American political thought from the Declaration of Independence through the end of the nineteenth century—were banished from popular discourse and academic writing. Liberals spoke of civil rights and social welfare; conservatives emphasized individual freedom, private property, and the laws of the market; Marxists used social class and history. If asked to assess nature versus nurture, behaviorists, Freudians, economists, and cultural anthropologists could usually agree it was nurture that counted most.

As the historian Carl Degler has recently shown (*In Search of Human Nature*, 1992), naturalist explanations of human society and behavior are returning after decades of absence. There are many reasons for this trend. The promise of orthodox Marxism is dead. Optimism has faded that governmental policies like the New Deal or the Great Society could achieve goals of reform and progress. Above all, the revolution in biology now commands attention.

Advances in genetics, symbolized by the Human Genome Project, reveal inherited influences on behavior that can no longer be dismissed as ideological artifacts (as was the case with earlier statistical estimates of genes and IQ). Neuroscientists have discovered more about the brain's anatomy and chemistry in the last decade than in all prior history. Ecologists and environmental scientists have found that, whatever the political context, uncontrolled economic development can lead to acid rain, destruction of the earth's ozone layer, and such disasters as Chernobyl, Bhopal, and the Exxon Valdez.

Leon Kass' extraordinary new book speaks to the transformation in human self-understanding required by these developments. Not that *The Hungry Soul*[†] will receive universal scholarly approval—many academics can be expected to dislike and criti

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cize the book. This very fact, however, indicates why Kass' philosophic essay on eating, nature, and civilization is worth a careful reading.

ON OPPOSITE SIDES of almost every university, scholars sharply divide body and soul, nature and society, fact and value. The result is odd: more professors are likely to use Prozac than to understand why it works. Philosophers forget their epistemological qualms when they go to the doctor. Geneticists fear the political implications of their own work, yet to prevent abuses of the new genetics they suggest little beyond "democratic control." Is it surprising that the public is confused by emerging biomedical technologies and products?

Kass is bound to be distasteful to humanists who have espoused the post-modernist view that science is as subjective as poetry. To argue that cultural norms are grounded in and need to be consistent with natural ends, as Kass does, will be anathema to those who think values are freely chosen and cultures are a human creation.

Paradoxically, scientists will also probably dismiss *The Hungry Soul.* Many will consider Kass unscientific because he attacks the materialistic bias and mechanical explanations that predominate in contemporary biology. Using simple language in place of the bewildering complexity of contemporary scientific discourse, *The Hungry Soul* begins from our everyday experience of living things and challenges the view that an animal's nature (not to mention life itself) can be reduced to DNA, biochemistry, or neuroanatomy.

ALTHOUGH FOCUSED ON eating, Kass presents a profound yet broadly accessible reflection on the most basic issues of nature and human nature. He begins by showing that living things are principally defined by the "form" of an organism, not by its matter. Since living things are goal-directed, our criteria of judgment cannot be divorced from the way our desires satisfy necessity: "understanding human eating throws light on the relation between the nonrational and the rational in man, and between the strictly natural and the cultural or ethical."

Chapter 2 focuses specifically on the application of this perspective to *Homo sapiens* as an omnivorous animal with an upright posture. Kass presents a highly provocative—some would say ethnocentric—analysis of what he calls *"the* human food," showing the importance of bread, meat, and salt. This treatment

[†]Free Press. 248 pp. $24.95.

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blurs the distinction between the hunter-gatherers (long characteristic of hominid evolution) and human civilizations after the development of agriculture (the precondition of a diet based on bread). While some critics dismiss this as a sign of Kass' ethnocentrism, the analysis has the merit of forcing the reader to focus on the dangers as well as the opportunities of our omnivorous diet.

In the following chapter, Kass looks at the controls on appetite which form the basis of civilized social life. He emphasizes two: the duties of the host (sharing food with non-kin as well as with members of the family), and the taboo on cannibalism (the need for respecting the humanity of strangers). In place of *feeding*—the satisfaction of need without conscious constraint—Kass shows that humans have developed *eating*.

This leads Kass to reflect in Chapter 6 on the central question of his book: "What exactly do we mean by 'civilize'? And how do the customs of civility relate to our underlying nature?" After reflecting on tables and utensils, Kass turns to Erasmus' manual of "good manners," first written in 1530. Such manners, Kass notes, provide measures of civility that distinguish human eating from animal feeding and provide the basis of "dining"—that form of eating together which is the occasion for friendship, sociability, conversation, and the beginnings of philosophy (Chapter 7).

Cultures thus develop rules for proper eating. What we call "civility" includes these standards for consuming and sharing food. More profoundly, as Kass shows in Chapter 7, these distinctions point to piety. In a fascinating reflection on the account of creation in *Genesis* and the dietary laws of *Deuteronomy*, he transforms our understanding of the Biblical texts. Far from being arbitrary and archaic conventions of no lasting significance, Kass here points to the way religious norms can reinforce serious contemplation of the human condition and its place in the world as a whole.

KASS THUS SEEKS to bridge the gap between fact and value that has dominated contemporary scholarship. In so doing, he challenges the widespread denial that there can be objective knowledge about moral, ethical, and religious principles. Although such a return to the philosophical tradition can be supported by contemporary biology, Kass unfortunately may have weakened his case by his selective use of scientific evidence.

Because he starts from the primacy of form, Kass presents human nature as a singular type; hence, the quest for "*the* human food" in Chapter 3. This approach illuminates the ubiquitous

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taboos on cannibalism and obligations of hosts but ignores the findings of behavioral ecology, a field that explores relationships between social behavior and the environment. Just as differences between chimpanzees and orangutans can be traced to differences of food supplies, so human hunter-gatherers, horticulturalists, and agriculturalists differ from contemporary industrial society due to the *social* effects of the way food is located, harvested, and consumed.

The question is not trivial. For Kass, humans are omnivores for whom bread is one of the essential foods—if not "the human food." But bread (or rice, an alternative in many cultures) presupposes agriculture and cooking, hence civilization. Kass thus ignores naturalistic reasons for many of the dietary choices and recipes of cultures (today usually attributed to humanly established convention). Worse, he minimizes cross-cultural variability in a way that can be criticized as ethnocentric.

At the individual level, the biological reasons for differences in eating behavior are equally important. Kass establishes, as the basic rule of nature, "No involuntary participation in another's digestion." Alas, this ignores feeding infants (the issue of breast versus bottle being critical because breast-feeding has been related to a naturally contraceptive process of birth control), the sick, and the aged. For example, although intravenous feeding is hardly pleasant, would it be more civilized to allow the aged to fend for themselves and risk death? Does Kass' rule challenge the efforts of the Food and Drug Administration to prevent the sale and distribution of contaminated food and drugs to the unwitting general public?

In fact, many dietary preferences can be traced to biologically-based differences in metabolism. Hypoglycemia, diabetes, alcoholism, lactose intolerance, and even Seasonal Affective Disorder entail preferences of food and drink. If we are to know how to eat properly, these individual differences in diet, health, and behavior need to be understood in detail.

Consider cholesterol. Although recent studies suggest that lowering cholesterol by diet or drugs can reduce death from heart attack, these dietary changes do *not* actually improve overall life expectancy. The diets or drugs that lower cholesterol also reduce the neurotransmitter serotonin, resulting in impaired impulse control associated with suicide, homicide, and accident. Because increased deaths from these causes outweigh reductions in heart disease, well-meaning attempts to "save lives" can have unexpected negative effects.

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KASS' BOOK IS devoted to showing how civilized eating can lead to the perfection of the soul. All too often, Americans follow dietary fads in the hopes of perfecting the body. However, to understand why many of these enthusiasms are unwise, it is necessary to go beyond Kass's wonderful reconsiderations of Homer on the cyclopes or Rousseau on the state of nature.

Even given these caveats, *The Hungry Soul* is very much worth reading. As Kass shows us, science need not be forbidding or dry. More to the point, as this thoughtful book reminds us, it is hard to know what or how to eat without integrating scientific knowledge about food with a humanistic approach to eating. Nature needs civilizing, but we are civilized by understanding—and respecting—nature.

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Political pros

ALAN EHRENHALT

A THIRTEEN YEAR OLD sat in the visitors' gallery, listened to a legislative debate, and vowed to himself that he would return one day as a member. Three years later, he was working his neighborhood door-to-door as a political activist. "He displayed," it is reported, "a taste for the slog-work" and "a tireless enthusiasm for canvassing," which he was happy to do "on the filthiest winter evenings." He launched a campaign for local office within months of his twenty-first birthday; he captured the legislative seat he had been seeking a few years later. Soon, he was on his way to the top of the leadership ladder.

The scene of this success story is the British House of Commons, and its subject is John Major, who became Prime Minister in 1990, well before his fiftieth birthday. Peter Riddell, political columnist for the *Times* of London, tells the tale in *Honest Opportunism: The Rise of the Career Politician.*[†]

The book describes the rise of John Major and his parliamentary colleagues of the 1990s. And yet, with the alteration of surprisingly few details, it could be set in Washington rather than Westminster. The obsessive campaigner could be Newt Gingrich (R-GA) who, after two defeats for Congress in the 1970s, decided to run one more time despite the risk of losing his job as a college geography professor. Or it could be Richard Gephardt (D-MO) who, fresh out of law school and practicing in a successful firm in St. Louis, gave up night after tedious night to meetings of the Fourteenth Ward Democratic committee, all so he could become an alderman and then position himself for a seat in the U.S. House of Representatives when the time came.

When Congress meets again next January, Gephardt will be the leader of one party and Gingrich will be the leader of the other. That their stories could sound so familiar in the context of an entirely different political system is one of the many provoca-

[†]Hamish Hamilton. 288 pp. £16.99.

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tive questions raised for readers on either side of the ocean by Riddell's informative, craftsmanlike, and anecdotally rich new book. Parliamentary politics is, in the end, not very much like the politics of Capitol Hill or an American congressional district. Nonetheless, in the late twentieth century, both political systems have generated a similar cast of characters, people whose dedication to a political career is overwhelming and, in many cases, all but lifelong. Riddell writes:

> The British Parliament, and hence government, is increasingly dominated by career politicians—by men, and a few women, who have dedicated most of their adult lives to entering the Commons, staying there and advancing to become ministers or spokesmen. The conclusion ... is unmistakable: the balance has shifted toward the full-time politician.

The same is true here, not just in Congress but also in the state legislatures and local governments from which national leaders ultimately come.

THE TRANSATLANTIC PHENOMENON of political careerism is even more curious in light of the difference between British and American political processes. In Britain, election to the House of Commons is still essentially a matter of anointment. The prospective candidate, whether Tory or Labor, has to submit a resume and references to a central party committee in London, survive a series of personal interviews, hope to be on a list of names forwarded to party leaders back in the constituency, and then go through the whole sifting process again at the local level. In America, in the vast majority of districts, there is no panel of elders, no formal screening process, no party committee worth more than a charade of deference. One enters a primary, raises money, plunges into contact with the voters, and hopes for the best.

Once elected, the British Member of Parliament embarks upon a second competition to impress the elders, seeking to demonstrate sufficient diligence, quickness in debate, and overall partisan loyalty to rise in a term or two from the back benches to whip or junior minister, and then, for the select few, to a seat in the cabinet. Team spirit may not be a sufficient condition for success, but it is usually a necessary one. The iconoclastic and the obnoxious are essentially restricted to a career on the back benches, which some manage to translate into long-term fulfillment but which is seen by most as an emblem of failure.

In Congress, one can certainly rise by impressing the leaders

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and volunteering for party chores—Gephardt did that successfully in the 1970s—but no one would say it is necessary. Gingrich arrived in 1979 and proceeded to launch a barrage of arguments, complaints, and self-promotional exercises that had virtually every senior member in his own party wishing he would sit down and shut up. Yet, a decade later, he was heir apparent to the leadership itself, still without modifying his style or methods in more than a cosmetic way. The Congress is structured so that even those whose personal abrasiveness leaves them as more or less permanent loners can expect that, through the magic of seniority, they will one day accumulate enough power so that their detractors will have no choice but to listen to them.

AMERICAN POLITICS IS tailor-made for the individualist, both at campaign time and within the legislative chamber. British politics is very nearly the opposite: it is a team sport. Why, then, have the two systems, in the latter part of the twentieth century, served up politicians whose histories and personal preoccupations seem more alike than different? The legislatures of both countries are increasingly filled with people who, like their leaders John Major and Bill Clinton, got a whiff of the political life early in adolescence and never really considered anything else. Though Riddell does not answer this question, a few speculations are worth considering.

One is that there are simply more ways than ever, in both countries, for the young and electorally ambitious to sustain themselves with full-time political employment in the years when they are waiting for opportunity to knock. In America, this is the result of the explosion of legislative staff, both in Washington, D.C., and in the states. Forty years ago, the politically infatuated young college graduate had to treat campaigning as basically an avocation in that first decade out of school. Now, the same person can earn a more than respectable wage as an aide to a member of Congress, a state senator, or even a county councilman, rather than having to drift off into a private job that diverts his attention and makes running for office difficult.

In Britain, it does not work quite this way: the staff allotment of an MP is tiny by American standards. Still, the opportunities for full-time political work have expanded in many directions. There are party jobs, research jobs, consulting jobs—all in numbers far beyond what British politics had to offer a generation ago. There are local councils, which did not exist in Britain as a full-time occupation before World War II. For the Laborite, there is staff work within the unions.

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All in all, Riddell calculates, the number of people who have moved to the House of Commons from what he calls "proper jobs"—jobs wholly outside politics—has fallen from 80 percent in the early 1950s to 41 percent in 1992. The proportion of new MPs who were already full-time politicians rose during the same period from barely a tenth to almost a third. As in America, this was so, in large part, simply because it was possible; the jobs were there.

In the end, though, what matters most is that both countries have produced a generation of bright young people who wanted those jobs, who found politics the most interesting career imaginable, and who wished nothing more than to make a living in it and edge forward carefully toward the real prize: a seat in Congress or the House of Commons.

IT IS HARD to explain the emergence of this political generation by talking solely of politics. A majority of its members were drawn not only to politics but to government as well. The years that witnessed the rise of the full-time politician were also years in which government came to be perceived as the primary vehicle for dealing with the most important problems of an advanced society, social as well as economic. Thus, it was possible for Bill Clinton, charming and orating his way toward political office as an Arkansas delegate to Boys' Nation in 1963, to conclude not only that campaigning and winning was as exhilarating an experience as life had to offer, but also that serving in office and solving problems was the closest one could expect to come to an absolutely self-justifying adult occupation. It was also possible for John Major, far more suspicious of government's ultimate benevolence, to decide that nothing could be more rewarding than a career on the benches of Parliament, debating the fine points of just what government should and should not do.

Where the two countries have differed is in the partisan consequences of professionalism. In America, the rise of the full-time politician has been, in many ways, the salvation of the Democratic Party. The success of Democrats in Congress and the states, attributed by journalists and political scientists in the 1980s to some semi-conscious voter preference for divided government, was, in fact, the result of something else: the ability of the Democrats, year in and year out, almost everywhere in the country, to attract the best candidate talent. This was because the Democratic Party, given its belief in the efficacy of government, was the natural home for those who wanted to make government a lifelong career. The Republican Party, led in the

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1980s by a president who perceived government to be "the problem" rather than "the solution," represented the view that a career in politics, if not downright sleazy, was scarcely worth the time, effort, and financial sacrifice.

This, more than anything else, is the reason Democrats have controlled the U.S. House for the past 40 years, have held the U.S. Senate for all but six of those years, and have managed to win roughly 60 percent of all the state legislative elections in America. Of course, there are those like Newt Gingrich, who despise government but love politics and do not mind dedicating their lives to serving an institution they fundamentally distrust—but they are a rare breed. If you are going to spend 30 or 40 years at something, it helps to believe in it.

This has not been the case in Britain. Labor, though roughly similar to the Democratic Party in its commitment to government, has not recently been a national magnet for political talent. Perhaps this is due to the dominance of unions within the party and the inability (or unwillingness) of some of the brightest young professionals to meet the strictures of the union screening process. Or perhaps it is because Labor is hampered more generally in its recruiting by the musty scent of industrial-age socialism, something that the Democrats, for all their faults, have avoided.

Whatever the reasons, the Tories seem to have been better at recruiting professional talent than the Republicans, as Riddell makes amply clear. The House of Commons is well stocked with bright young Conservatives who made their way in the Thatcher years from university to political research jobs, consulting, perhaps a policy job at Downing Street, and then to a seat in the House. Labor, in contrast, is short on talent, whatever its popular appeal in the next election might be.

MAYBE THIS IS just a fundamental difference between the two countries. But what if it turns out to have been mostly a matter of timing? The Democrats in America have survived as the majority party for years essentially on their appeal to a particular generation—that of Bill Clinton and Richard Gephardt—the brightest young members of which emerged into adulthood in the 1960s and 1970s viewing the Democratic Party as the appropriate outlet for their energy and activist values. In the current era, when scarcely anyone seems to grow up believing in government as the primary problem-solver, will that continue to be true? Or will the natural Democratic advantage, based as it has been all these years on supply rather than demand, begin to

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erode? Is it possible that in the next few years the Democrats will begin to appear, like the Laborites in Parliament, just a trifle stodgy and long in the tooth?

Peter Riddell does not answer these questions, nor does he make such an attempt. However, his book provokes many broader speculations about modern politics. It succeeds, through detailed examination of political life on one side of the Atlantic, in shaking loose more than a few truths about politics on the other.

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Critical abuse

PAUL A. CANTOR

IT IS DIFFICULT for the general reader today to grasp what has happened to academic literary criticism. Picking up at random the kind of book typically published by university presses these days, the non-specialist is likely to be put off by both its style and its content. The prose may seem dense and strained, the arguments crudely ideological and politicized, and the subject matter remote from anything that has traditionally been regarded as the domain of literary analysis. Faced with such evidence, the general reader will not be encouraged to delve further into contemporary criticism. Anyone outside the academy will have a hard time believing how dominant and pervasive this kind of criticism has actually become in our universities and colleges. Who, after all, has the time to read the fifteenth Marxist analysis of the sins of the whaling industry in *Moby-Dick* if not absolutely forced to by professional responsibilities?

Thus, Peter Shaw has placed the general reader in his debt by writing *Recovering American Literature*.[†] Focusing specifically on the American scene, the book provides a lucid overview of what is generally going on in literary criticism today. Shaw takes five representative classics of American literature—Hawthorne's *The Scarlet Letter*, Melville's *Moby-Dick* and *Billy Budd*, Twain's *Adventures of Huckleberry Finn*, and James's *The Bostonians*—and reviews the history of their treatment by literary critics in this century. Though in a relatively brief book he must be highly selective in the critical positions he discusses, on the whole he is comprehensive and fair in his analysis. He frequently quotes critics, thus allowing them to speak for themselves, and is even willing to make some concessions to the critics he dislikes. In his own readings of the works he covers, he applies the principles of common sense, invoking ordinary canons of logic and evidence.

[†]Ivan R. Dee. 208 pp. $22.00.

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As a result, Shaw has a sorry tale to tell, a story of a relentless drift to the left in academic criticism over the past few decades. In the 1940s and 1950s, when the study of American literature finally became solidly established as an academic discipline, these masterpieces were viewed in aesthetic terms, as complex works of literature that deal with the reality of America in complicated and often ambivalent ways. Shaw explores how, as various modes of radicalism began to dominate American campuses starting in the 1960s, these works became grist for a variety of ideological mills. Critics began to simplify their views of works like *The Scarlet Letter* and *Moby-Dick*, subjecting them to tests of ideological purity and using them as launching platforms for attacking various aspects of American society, such as its purported greed, sexism, and racism. As Shaw argues, contemporary critics have lost sight of how great works of literature function, treating them as if they were naive political tracts and not sophisticated works of art.

Shaw has some particularly interesting passages on the phenomenon of critical recantation, documenting how once-respected critics from the older generation have come around in the 1980s to confess their former ideological sins in print and embrace the new politically correct views of American literature. This spectacle would be funny if it did not remind one of scenes from *Nineteen Eighty-Four* or the behavior of the accused at the Stalinist show-trials of the 1930s.

GIVEN THE AMOUNT of material Shaw covers, he inevitably leaves himself vulnerable to quarrels with certain details of his accounts, but in its broad outlines the portrait he paints of developments in literary criticism is accurate. I am concerned, however, that Shaw somewhat overestimates the achievements of earlier literary critics and somewhat underestimates those of today's. When the so-called "New Critics" dominated the study of American literature, they often left themselves open to the charge of neglecting the political context of the books they discussed. These critics were so eager to find universal themes in literature that they commonly lost sight of the fact that works like *Moby-Dick* are rooted in the realities of nineteenth-century America.

Thus, for all the excesses of contemporary critics, they have, in many cases, performed a useful service by reminding us that authors often do engage the economic, social, and political issues of their day. Shaw's argument would be more persuasive if he did not get involved at times in romanticizing earlier criticism as

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an age of giants. I believe that if the New Critics had not been seriously limited in their own ways, we would not now be experiencing such a backlash into historicist and Marxist criticism.

One particularly curious aspect of Shaw's book is his complete omission of Leslie Fiedler. I may surprise some of my colleagues by stating that I regard Fiedler as the single most brilliant critic of American literature I have read. By any standards, he is one of the most important figures in American Studies in the past 50 years, and, since he wrote at length on all the writers Shaw discusses, it is surprising that Shaw finds no place for Fiedler in his book. Discussing Fiedler would have complicated Shaw's account in interesting ways, above all because Fiedler was analyzing American literature in terms of the categories of race, class, and gender when many of today's hippest literary scholars were no doubt still watching *Leave It to Beaver* uncritically (Fiedler's masterpiece, *Love and Death in the American Novel*, was published in 1960).

Coming when it does, the work of Fiedler raises doubts about some of the historical dividing lines Shaw tries to draw, but at the same time it actually strengthens his overall argument by providing a standard by which to measure the failings of contemporary critics. The trouble with contemporary critics is not that they do political criticism, but that they do it badly. Fully a generation before them, Fiedler was analyzing American literature in similar terms, but he simply did it better, with less ideological smugness and more sense of the complexity of the issues he was confronting.

HAVING REGISTERED MY major disagreements with Shaw, I want to restate how valuable this book is for alerting the general public to the systematic misreading of American literature that is currently being perpetrated in the academic world. My favorite chapter is the one on *Billy Budd*, though I should also put in a word for the appendix on Melville's *Typee*, reprinted from Shaw's excellent earlier book, *The War Against the Intellect*, an essay which sardonically exposes the follies of today's multiculturalists when they confront the touchy and for them embarrassing issue of cannibalism.

In his subtle analysis of *Billy Budd*, Shaw points out that the one-sided readings contemporary critics give of Melville's work reveal their inability to appreciate its tragic dimension. Indeed, the great power of Melville's story stems from his creating a tragedy in the full Hegelian sense. Captain Vere's basic decency and his feeling for Billy's goodness come into conflict with what

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he correctly perceives to be his duty as a Captain in the British Navy to uphold the martial law of the sea. Contemporary critics choose simply to condemn Vere as an example of corrupt authority, thereby missing the point of Melville's complex creation and displaying their basic distaste for a tragic view of the world. As Shaw incisively writes:

> *Billy Budd* is about the tragic possibilities inherent in society's invocation of its ultimate power over life and death when faced with an external threat to its existence. If the story concerned an evil society that did not deserve to exist, or a naval officer who acted in a perverse manner, then the whole point would be lost. The society would be bad, or the military officer would be bad, but the conundrums of power in all human societies would not be at issue. As a result, the story would have little resonance.

Shaw's reading of *Billy Budd* is truer to the historical and political details of the story than contemporary New Historicist readings that pride themselves on a supposed awareness of specific contexts. He correctly insists on the fact that the story takes place during wartime, when different standards of justice necessarily apply. The prejudice of contemporary critics against all forms of authority, he points out, makes them incapable of recognizing the fine distinctions which Melville emphasizes between legitimate and illegitimate exercises of authority. Shaw also makes the particularly insightful observation that the tragic outcome of *Billy Budd* depends precisely on the fact that the story takes place in the context of a relatively democratic and decent regime. It is only under free institutions such as these that obedience to the law becomes of paramount importance. The utopian fantasies of radical critics blind them to the complex realities of political life and hence to the tragedy Melville sees growing out of its legitimate, though deeply troubling, demands.

Reading Shaw's book may be painful for what it reveals about the sad state of contemporary criticism, but, as his title implies, becoming aware of what has gone wrong in the literary academy today is the necessary first step to "recovering American literature" and indeed all of our cultural heritage.

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